

ELEMENTARY STATEMENT

This edition of the Municipal Code of the Village of Riverview is a recodification of the 1989 Municipal Code. In preparing this Code the editors used as source material portions of the 1989 Code, ordinances passed subsequent to that date and modifications agreed upon during the editorial conferences and incorporated herein by the adopting ordinance. In order to trace the evolution of each Section, the reader's attention is directed to the history note appearing in parentheses at the end of that Section. The absence of such a note indicates that the section is new and was agreed upon at the editorial conference and adopted for the first time with the adoption of the Code. Three further sources of reference are to be found at the end of this Code. The first is a cross reference of the old Code Section numbers to the new Code Section numbers. The second is a cross reference of the ordinances of a general and permanent nature that have been retained in this volume. The third is a cross reference of the State Statutes that are of a similar nature or enable the corresponding Section of this Code.

Format

The Code is divided into six Titles with Chapters of a like nature grouped therein. Each Chapter is given a three digit location number corresponding to the Title in which it resides. Each Section is given number corresponding to the Chapter in which it resides. This number is separated by a decimal point. The digits ahead of the decimal point represent the Chapter location and the digits behind the decimal point represent the Section within that Chapter. By allowing intervals between Chapter and Section designations, future additions to the Code have been facilitated. In operating under this format, the Village maintains great flexibility in the placement of new material.

Table of Contents and Alphabetical Index

For those frequent users who become very familiar with the Code, the editors have placed a Table of Contents in the front of the text. A complete list of all Chapter and Section headings enables the quick location of subject matter. Those less familiar with the Code and infrequent users will find an alphabetical index at the end of the Code. Much care is taken to ensure ease of access with this index while maintaining a reasonable size.

Update Service

As those who use this book are well aware, there is a need for constant revision. The use of a looseleaf binder is meant to facilitate this need. As new ordinances affecting this Code are passed, they should be forwarded to the publisher from time to time for adaptation to the Code. Update pages can then be forwarded to the Village for insertion in the Code. It is the ultimate responsibility of the holder of the volume to make sure that his or her book is brought up to date in this manner.

In Appreciation

The publishers would like to thank the following people for their time and effort during this recodification: Village Clerk, Megan Asikainen; Village Attorney, Chris Graville. In addition to their help, we are grateful to other department heads and staff members who devoted their time. This combined effort cannot help but end in a Code that the Village can be proud of and which will be a useful tool for the entire community for years to come.

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This Code contains all ordinances of a general and permanent nature of the Village of Riverview, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

1. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.
2. Ordinances which are of a general or permanent nature shall be prepared for insertion in this Code and be deemed a part hereof. (R.O. 2006 §100.010; Ord. 102, CC §10.010)

SECTION 100.020: CITATION OF CODE

This Code may be known and cited as the "Riverview, Missouri, Village Code". (R.O. 2006 §100.020; Ord. 102, CC §10.020)

SECTION 100.030: OFFICIAL COPY OF CODE

The official copy of this Code, bearing the signature of the Chairman and attestation of the Village Clerk as to its adoption, shall be kept on file in the office of the Village Clerk. Three (3) copies of this Code shall be kept available for inspection by the public at all reasonable business hours. (R.O. 2006 §100.030; Ord. 102, CC §10.030)

SECTION 100.040: ALTERING CODE

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.090 of this Code. (R.O. 2006 §100.040; Ord. 102, CC §10.040)

SECTION 100.050: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. The latter figure shall consist of three (3) digits. (R.O. 2006 §100.050; Ord. 102, CC §10.050)

SECTION 100.060: AMENDMENTS TO CODE

All amendments to this Code, duly passed by the Board of Trustees, shall be prepared by the Village Clerk for insertion in this Code. (R.O. 2006 §100.060; Ord. 102, CC §10.060)

SECTION 100.070: DEFINITIONS AND RULES OF CONSTRUCTION

- A. In the construction of this Code and of all other ordinances of the Village, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or Ordinance, or unless inconsistent with the manifest intent of the Board of Trustees, or unless the context clearly requires otherwise:

BOARD OF TRUSTEES: The Board of Trustees of Riverview, Missouri.

CHAIRMAN: The Chairman of the Board of Trustees of Riverview, Missouri.

CITY: The words "*the city*" or "*this city*" or "*city*" shall mean the Village of Riverview, Missouri.

COUNTY: The words "*the county*" or "*this county*" or "*county*" shall mean the County of St. Louis, Missouri.

DAY: A day of twenty-four (24) hours, beginning at 12 o'clock Midnight.

KEEPER, PROPRIETOR: Includes persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or by a representative, servant or agent.

MAY: Is permissive.

MONTH: A calendar month.

OATH: Shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OWNER: The word "*owner*", applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON: Shall include bodies politic and corporate, partnerships and other unincorporated associations, and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PRECEDING, FOLLOWING: When used by way of reference to any Section of the Statutes, the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

SIGNATURE: Where the written signature of any person is required, the proper handwriting of such person or his/her mark is intended.

STATE: The words "*the state*" or "*this state*" or "*state*" shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TANGIBLE PERSONAL PROPERTY: Includes goods, chattels, money, things in action and evidences of debt.

TENANT, OCCUPANT: When applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

VILLAGE: The Village of Riverview, Missouri.

WRITING: The words "*in writing*" and "*written word for word*" shall include printing, lithographing or other mode of representing words and letters.

YEAR: A calendar year, unless otherwise expressed, and shall be equivalent to the words "*year of our Lord*".

- B. *Newspaper.* Whenever in this Code or other ordinance of the Village it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the Village", and if there is no newspaper published within the Village, the said notice shall be published in a newspaper of general circulation within the Village, regardless of its place of publication. (R.O. 2006 §100.070; Ord. 102, CC §§11.010—11.020)

SECTION 100.080: CORPORATE SEAL

The Seal of the Village shall, as heretofore, consist of a riverboat, inside of and surrounded by a captain's wheel, having inscribed therein the words "Village of Riverview". The Seal shall be approximately two (2) inches in diameter. The Village Seal shall be safely kept in the office of the Village Clerk. (R.O. 2006 §100.080; Ord. 102, CC §20.010)

SECTION 100.090: ORDINANCE ENFORCEMENT AND ADMINISTRATION**A. General Penalty.**

1. Whenever in this Code or in any ordinance of the Village, or in any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, but in any case wherein the penalty for an offense is fixed by any Statute, the same penalty shall apply.
2. Except where otherwise provided, each and every day any violation of this Code or any ordinance of the Village or any rule, regulation, order or notice promulgated by any officer or agency of the Village under authority duly vested in him/her or it shall constitute a separate offense.
3. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

- B. *Equitable Relief.* In addition to any other remedies or penalties established for violations of any ordinance or Code Section or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the Village under duly vested authority, the Village Official responsible for the enforcement of such ordinance, Code Section, rule, regulation, notice, condition, term or order may, on behalf of the Village and after approval by the Board of Trustees, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with such ordinance, Code Section, rule, regulation, notice, condition, term or order. In such action the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant. Upon the successful prosecution of any such action the Village may be awarded by the court reasonable attorney fees as allowed by law.

C. Restrictions On Delinquent Applicants.

1. For the purposes of this Section, the following terms shall have the following meanings:

APPLICANT: An individual or a corporation, firm, partnership, joint venture, association, organization or entity of any kind, including any shareholder, owner, officer, partner, joint venturer or member of such entity or any other person holding an ownership interest in such entity requesting any Village permit, license, franchise or other approval.

RELATED PERSON OR ENTITY:

- a. A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title, or other ownership interest of at least twenty percent (20%),
- b. A firm, partnership, joint venture, association, organization or entity of any kind which holds any stock, title, or other ownership interest in the applicant of at least twenty percent (20%), or
- c. An individual, firm, partnership, joint venture, association, organization or entity of any kind, whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lessor ownership interest, familial relationship or in any other manner.

RELEVANT LAW:

- a. Any Statute or regulation of the United States or the State of Missouri,
 - b. Any ordinance or Code Section of the Village or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the Village under duly vested authority of the Village, or
 - c. Any final judgment or order of any court of competent jurisdiction, when a Statute, ordinance, Code Section, rule, regulation, notice, condition, term, order or judgment at issue regulates conduct or conditions germane to the issuance of the requested permit, license, franchise or other approval as provided by the applicable ordinance or Code Section of the Village.
2. In enforcing or administering the ordinances of the Village, no permit, license, franchise or approval of any kind shall be granted to any applicant:
 - a. Who is charged with, or in violation of, any relevant law, or
 - b. Who is related to or associated with a related person or entity who is charged with, or in violation of, any relevant law, until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law.
 3. The reviewing or enforcement officer may consider past violations of relevant law by an applicant or a related person or entity in considering whether to issue a permit, license, franchise or approval requested by an applicant.
 4. The reviewing or enforcement officer may refuse to accept the refiling of a denied application for one (1) year from the date of the denial unless the officer finds that the application has been substantially revised, or that substantial new facts or change in circumstances warrant reapplication.
 5. Any aggrieved applicant may appeal the decision of the reviewing or enforcement officer to the Board of Trustees within five (5) business days of said decision. The Board may reverse or modify the decision of the reviewing or enforcement officer provided the applicant:

- a. Establishes a good-faith effort to effect compliance with this Section and any relevant law, or if applicable, an inability to do so because of the ownership structure of any pertinent related entity, or
- b. Establishes that the applicant has not been charged with, or is not in violation of, any relevant law. (R.O. 2006 §100.090; Ord. 102, CC §§13.010—13.030; Ord. No. 93-4 §1, 2-15-93; Ord. No. 01-10 §1, 3-22-01)

CHAPTER 105: CONSTRUCTION OF ORDINANCES

SECTION 105.010: CONSTRUCTION, GENERALLY

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import. (R.O. 2006 §105.010; Ord. 102, CC §12.010)

SECTION 105.020: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction. (R.O. 2006 §105.020; Ord. 102, CC §12.020)

SECTION 105.030: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (R.O. 2006 §105.030; Ord. 102, CC §12.030)

SECTION 105.040: REPEAL OF ORDINANCES NOT TO AFFECT LIABILITIES

Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided. (R.O. 2006 §105.040; Ord. 102, CC §12.040)

SECTION 105.050: REPEAL NOT TO REVIVE FORMER ORDINANCE

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length. (R.O. 2006 §105.050; Ord. 102, CC §12.050)

SECTION 105.060: SEVERABILITY

It is hereby declared to be the intention of the Board of Trustees that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgement or decree of any court of competent jurisdiction, such

unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, and Chapters of this Code since the same would have been enacted by the Board of Trustees without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section. (R.O. 2006 §105.060; Ord. 102, CC §12.060)

SECTION 105.070: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition. (R.O. 2006 §105.070; Ord. 102, CC §12.070)

SECTION 105.080: NOTICE

Whenever notice may be required under the provisions of this Code or other ordinance, the same shall be served in the following manner:

1. By delivering the notice to the owner personally or by leaving a copy at his/her usual place of abode with some member of his/her family over the age of fifteen (15) years, or
2. By mailing said notice by certified or registered mail to such owner at his/her last known address, or
3. If the owner is unknown, or may not be notified under the requirements of Subsection (A) or (B) above, then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village Officer, unless permission is given by said officer. (R.O. 2006 §105.080; Ord. 102, CC §12.080)

SECTION 105.090: NOTICE—EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice. (R.O. 2006 §105.090; Ord. 102, CC §12.090)

SECTION 105.100: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a legal holiday. (R.O. 2006 §105.100; Ord. 102, CC §12.100)

SECTION 105.110: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. (R.O. 2006 §105.110; Ord. 102, CC §12.110)

SECTION 105.120: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons. (R.O. 2006 §105.120; Ord. 102, CC §12.120)

SECTION 105.130: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included. (R.O. 2006 §105.130; Ord. 102, CC §12.130)

CHAPTER 107: ELECTIONS

SECTION 107.010: CONFORMANCE OF VILLAGE ELECTIONS WITH STATE LAW

All Village elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 107.020: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this Village shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the Village of Riverview shall be held for the purpose of electing three (3) Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the Village of Riverview shall be held for the purpose of electing two (2) Trustees who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.

SECTION 107.030: DECLARATION OF CANDIDACY—DATES FOR FILING

Any person who desires to become a candidate for an elective Village office at the general Village election shall file with the Village Clerk, not prior to the hour of 8:00 A.M., on the sixteenth (16th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next Village municipal election, a written declaration of his/her intent to become a candidate at said election. The Village Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 107.035: CANDIDATES FOR MUNICIPAL OFFICE—NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees.

Editor's Note—As to arrearage or delinquency in all taxes, see §115.342, RSMo.

SECTION 107.040: DECLARATION OF CANDIDACY—NOTICE TO PUBLIC

The Village Clerk shall, on or before the sixteenth (16th) Tuesday prior to any election at which Village offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the Village.

SECTION 107.050: DECLARATION OF CANDIDACY—FORM

The form of said written declaration of candidacy shall be substantially as follows:

DECLARATION OF CANDIDACY

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, _____, being first duly sworn, state that I reside at _____, Village of Riverview, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of _____, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, _____, and I meet all the qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office and state that I will serve as such officer, if elected.

Signed:

Subscribed and sworn to before me this ____ day of _____, ____.

Village Clerk
Village of Riverview

(S E A L)

SECTION 107.060: NOTICE OF ELECTIONS

In Village elections, the Village Clerk shall notify the Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any Village election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

SECTION 107.070: LATE NOTIFICATION, PROCEDURE

- A. Except as provided for in Sections 115.247 and 115.359, RSMo., if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in Subsection (1) of Section 115.125, RSMo., but no later

than 5:00 P.M. on the sixth (6th) Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the Circuit Court of the area of such subdivision or district. No court shall have the authority to order an individual or issue be placed on the ballot less than six (6) weeks before the date of the election, except as provided in Sections 115.361 and 115.379, RSMo.

- B. Except as provided for in Sections 115.247 and 115.359, RSMo., if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in Section 115.125, RSMo., but no later than 5:00 P.M. on the sixth (6th) Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the Circuit Court of the area of such candidate's residence.

CHAPTER 110: BOARD OF TRUSTEES

SECTION 110.010: BOARD OF TRUSTEE MEETINGS, WHEN HELD

- A. Meetings of the Board of Trustees of the Village of Riverview shall be held at the Village Hall located at 9699 Lilac Drive. Regular meetings of the Board of Trustees shall be held on the fourth (4th) Thursday of each month at 7:00 P.M., provided however, that a regular meeting may be rescheduled by the Chairman in a given instance if holidays, weather or a conflict with other events of concern to the Village necessitate.
- B. Special meetings of the Board of Trustees of the Village of Riverview may be called by any three (3) members of the Board by requesting such special meeting with the Village Clerk, who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Chairman of the Board in the same manner. The notice of such special meeting shall state the date and hour of the meeting and the purpose for which the meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. Said notice of the time and object of the special meeting shall be given to each member of the Board by the Village Clerk causing such notice to be delivered at the usual place of abode of said members twenty four (24) hours before stated special meeting. Such notice shall also be posted within the Village Hall in a manner visible to the general public twenty four (24) hours before stated special meeting. By unanimous consent, a special meeting may be held at any time. Said twenty-four (24) hour notice shall not be required when the meeting is of an emergency nature but all provisions of Chapter 140 hereof shall be complied with. (R.O. 2006 §110.010; Ord. 102, Bill 444; Ord. 102, Bill 281; Ord. No. 93-8 §1, 4-29-93; Ord. No. 98-09 §1, 5-28-98)

SECTION 110.020: MEMBERS MUST ATTEND MEETINGS

Members of the Board of Trustees shall be required to attend all stated and special meetings of the Board, unless leave of absence is granted by the Board, or unless excused by the Chairman for illness or other special reason. (R.O. 2006 §110.020; Ord. 102, CC §24.020)

SECTION 110.030: CALL TO ORDER

At the hour appointed, the Chairman, or in his/her absence any Trustee, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. If a quorum be not present, a smaller number may lawfully adjourn the meeting until a quorum is present. At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business. (R.O. 2006 §110.030; Ord. 102, CC §24.030)

SECTION 110.040: ORDER OF BUSINESS

The Board of Trustees, upon the announcement of a quorum, shall proceed to transact the business before them. The Chairman shall present a tentative agenda setting forth the business to be considered, which may be amended by the Board. The agenda for regular Board meetings should ordinarily include presentation and approval of minutes of prior meetings, receipt of reports of officers and committees, unfinished business, new business, and audit and payment of bills and

claims against the Village. On each regular meeting night the Board should afford an opportunity for presentation of comments or petitions by Village residents. (R.O. 2006 §110.040; Ord. No. 96-05 §1, 5-30-96)

SECTION 110.050: COMMITTEES

All committees shall be appointed by the Chairman unless, on motion, the Board shall elect to appoint any such committee. (R.O. 2006 §110.050; Ord. 102, CC §24.050)

SECTION 110.060: PROCEDURE

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance and any question arising thereunder shall be decided by the Chairman subject to appeal to the Board of Trustees by any member. (R.O. 2006 §110.060; Ord. 102, Bill 311, CC §24.070)

SECTION 110.070: ORDINANCE PASSED BY BILL

No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all of the members of the Board of Trustees vote therefor, and the "yeas" and "nays" be entered upon the minutes of the meeting. (R.O. 2006 §110.070; Ord. 102, CC §24.080)

SECTION 110.080: ORDINANCES, HOW PASSED

The style of the ordinances shall be: "Be it ordained by the Board of Trustees of the Village of Riverview, Missouri, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefor, and the "yeas" and "nays" be entered upon the journal. Every proposed ordinance shall be introduced to the Board of Trustees in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Trustees. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Trustees. All ordinances shall be in full force and effect from and after their passage after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk. (R.O. 2006 §110.080; Ord. 102, CC §24.090; Ord. No. 93-15 §1, 6-24-93; Ord. No. 96-26 §1, 11-21-96)

CHAPTER 115: ADMINISTRATION

SECTION 115.010: OFFICES CREATED

- A. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid Village taxes or forfeiture or defalcation in office.
- B. There are created the following appointed offices for the administration of the Village:
 - 1. Village Clerk.
 - 2. Collector.
 - 3. Chief of Police.
 - 4. Police Clerk.
 - 5. Court Clerk.
 - 6. Administrative Assistant.
 - 7. Budget Officer.
 - 8. Building Commissioner.
 - 9. Public Works Director.
 - 10. Health Commissioner.
 - 11. Financial Adviser.
 - 12. Attorney.
 - 13. Prosecuting Attorney.
 - 14. Municipal Judge.
 - 15. Electrical Inspector.
 - 16. Board of Police Commissioners.
 - 17. Board of Adjustment.
 - 18. Planning and Zoning Commission.
- C. All appointed officers shall obtain a bond with good and securities. (R.O. 2006 §115.010; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.020: TERM—COMPENSATION

Appointed officials shall serve in their respective offices at the pleasure of the Board of Trustees unless otherwise provided by ordinance. (R.O. 2006 §115.020; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.030: VILLAGE DEPARTMENTS—DUTIES OF APPOINTED OFFICERS

- A. For organizational and management purposes, the various operations of the Village shall be divided into five (5) departments as follows:
 - 1. *Administrative Department.* The Administrative Department shall consist of the clerical, support and administrative functions in the Village Hall General Administrative offices, including the positions of Village Clerk, Village Collector, Court Clerk, Violations Bureau Clerk and such additional personnel as may be assigned to the said offices from time to time. The Village Clerk shall be head of the Administrative Department and shall supervise and be responsible for day to day management of the affairs of the department and assignment of duties and responsibilities among the work force unless, from time to time, the Board of Trustees shall

designate the person holding another Village office to serve as head of the Administrative Department, in which case the designated person shall so serve during the period of such designation.

2. *Police Department.* The Police Department shall consist of the law enforcement and emergency preparedness functions of the Village, including regular, part-time and reserve Law Enforcement Officers, Police clerical personnel and the Emergency Preparedness Director. The Chief of Police shall be the head of the Police Department and shall supervise and be responsible for day to day management of the affairs of the department and the assignment of duties and responsibilities among the work force, unless, from time to time, the Board of Trustees shall designate the person holding another Village office to serve as head of the Police Department, in which case the designated person shall so serve during the period of such designation.
 3. *Finance Department.* The Finance Department shall be responsible for the preparation and implementation of the Village budget, the investment and safeguarding of Village funds, payment of financial obligations of the Village, preparation for and cooperation in audits of Village financial affairs, and the preparation of such periodic reports as may be required. The Financial Department shall consist of the Village Clerk, Budget Officer and Financial Advisor. The Village Clerk shall be the head of the Finance Department.
 4. *Public Works Department.* The Public Works Department shall consist of the street maintenance, public property maintenance, public works, and public improvements functions of the Village, including the Street Department and such additional employees as may be employed in that department from time to time. The Public Works Director shall be head of the Public Works Department.
 5. *Zoning and Building Department.* The Zoning and Building Department shall consist of the zoning administration and enforcement, building and construction permitting, health code enforcement and building, electrical and housing code enforcement functions of the Village, including the Building Commissioner, the Electrical Inspector, the Building Inspector and Code Enforcement Officer of the Village. The Building Commissioner shall be head of the Zoning and Building Department and shall also serve as staff to the Planning and Zoning Commission and the Board of Adjustment.
- B. The duties of such officers, in addition to those prescribed by law, shall be those customarily performed by such others in like municipalities in Missouri and such as are from time to time fixed and prescribed by this Board. (R.O. 2006 §115.030; Ord. No. 96-04 §1, 4-25-96; Ord. No. 99-29 §1, 11-18-99; Ord. No. 01-29 §1, 11-29-01; Ord. No. 08-38 §1, 9-25-08)

SECTION 115.040: EXPENSE REIMBURSEMENT AND ADVANCES

For purposes of this Section, the term "*expenses*" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the Village. The term "*employee*" shall include all persons employed by the Village and all elected and appointed officials.

1. Any employee incurring any expense as defined in this Section and seeking reimbursement of same may submit to the Village Clerk a voucher certified as being true and correct. The Village Clerk shall review such expense vouchers and shall authorize reimbursement to the employee of only those expenses properly incurred.

2. The Village Clerk may authorize the advance payment of projected expenses when the projected expenses to be incurred would pose a financial burden on the employee. If such an advance is authorized, within ten (10) days after such expenses are actually incurred the employee shall submit to the Village Clerk a voucher for the expenses actually and necessarily incurred and any balance of the advance remaining after expenditure. (R.O. 2006 §115.040; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.050: CHAIRMAN AND MEMBERS OF THE BOARD OF TRUSTEES

- A. *Selection.* Within twenty (20) days after the annual April election of each year, the Board of Trustees shall appoint one (1) of their member as Chairman, who shall hold said office for one (1) year. The Board shall also appoint each of the remaining members to a liaison position with respect to one (1) of the following: Police Department, Finance Department, Public Works Department, Zoning and Building Department. The Chairman shall also be the liaison with regard to the Administrative Department.
- B. *Duties Of The Chairman Of The Board Of Trustees.*
 1. The Chairman shall preside over meetings of the Board of Trustees and shall have a vote on any question, but shall not preside or vote in cases where he/she is an interested party. The Chairman shall from time to time communicate to the Board of Trustees such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the Village of Riverview.
 2. The Chairman of the Board of Trustees shall, on the first (1st) days of March and September in each year, make out a correct statement of all monies received and expended on account of the Village during the six (6) months next preceding and shall cause such statement, within ten (10) days thereafter, to be published, either in some newspaper printed in the Village or by causing copies of such statement to be put up in six (6) of the most public places in the Village.
 3. The Chairman shall remain in office for the term for which he/she is appointed or elected as Trustee, but in case of absence at any meeting of the Board, the Board may appoint a Chairman pro tempore, and in case he/she shall die, resign, be removed from office or removed from the town, the Board of Trustees shall appoint one (1) of their number Chairman who shall hold the office for the unexpired term.
- C. *Acting Chairman Of Board—Selection, Term, Duties.* Within twenty (20) days after the annual April election of each year, the Board of Trustees shall elect one (1) of their number as "Acting Chairman of the Board of Trustees" and who shall serve for a term of one (1) year. When any vacancy shall happen in the office of the Chairman by death, resignation, removal from the Village, removal from office, refusal to qualify or from any other cause whatever, the Acting Chairman of the Board of Trustees shall, for the time being, perform the duties of the Chairman, with all the rights, privileges, powers and jurisdiction of the Chairman, until such vacancy be filled or such disability be removed or, in the case of temporary absence, until the Chairman's return.
- D. *Liaison Responsibilities.* Each Trustee shall have liaison responsibility with regard to one (1) of the five (5) functional divisions of the administration of the Village affairs. In this capacity the responsible Trustee shall monitor the activities and affairs of the respective department on behalf of the Board of Trustees; consult with the department head regarding the organization, composition and operation of the department; report to and consult with the Board of Trustees on any matter touching

upon the department, and consult with and assist any boards or commissions relating to the affairs of the department. The liaison shall serve generally as the official charged with special responsibility for facilitating communication and the exchange of information between the department and the Board of Trustees and seeing that the policies of the Village with respect to the department are carried out. (R.O. 2006 §115.060; Ord. No. 96-04 §1, 4-25-96; Ord. No. 96-23 §1, 9-26-96)

SECTION 115.060: VILLAGE CLERK

- A. *Selection.* The Board of Trustees shall select some qualified individual to serve as Village Clerk, who shall serve at the pleasure of the Board of Trustees.
- B. *Duties.* To have charge and custody of the seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees; to attend to such correspondence as may be required; to keep the journal of the proceedings of the Board of Trustees and to enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance; to attest each ordinance passed by subscribing his/her name on the face thereof; to issue and attest all warrants ordered by the Board, act as head of the Administrative Department of the Village and, in general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees. (R.O. 2006 §115.070; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.070: COLLECTOR

- A. *Selection.* The Board of Trustees shall select some qualified individual to serve as Village Collector, who shall serve at the pleasure of the Board of Trustees.
- B. *Special Taxes.* It shall be the duty of the Village Collector to collect and enforce the payment of any special taxes, fees, dues, licenses and other obligations owing to the Village which may be levied by the Board of Trustees, or which he or she may be directed to collect by the Board of Trustees from time to time. (R.O. 2006 §115.090; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.080: CHIEF OF POLICE

- A. The Board of Trustees shall appoint a suitable person to serve as Chief of Police who shall serve at the pleasure of the Board. The Chief of Police shall receive as full compensation for the performance of the duties of that office an annual salary as approved by the Board of Trustees. The Board may, from time to time, should it be deemed necessary, appoint special Police for such times and upon such conditions as it may by motion or resolution provide.
- B. *Duties.* The Chief of Police shall have the power and duty to make or order arrests for violation of any criminal laws of the State or for violation of ordinances of the Village. The Chief of Police shall also have the following powers and duties:
 - 1. The Chief of Police shall be the head of the Police Department.
 - 2. The Chief of Police shall execute such orders, rules and regulations as may be necessary or proper for the successful operation and functioning of the Police Department.

3. The Chief of Police shall execute orders and process arising under the ordinances of the Village and shall have concurrent power with the County Sheriff to execute all orders, notices, writs and other process and duties that may be executed by the Sheriff, within the corporate limits of the Village.
- C. *Police Subject To Chief Of Police, Board.* The Police of the Village in the performance of their duties shall be subject to the orders of the Chief of Police, but the Chief of Police or any regular or special Policeman may be instantly removed from his/her office by the Board of Trustees at any regular or special meeting for any wanton neglect of duty.
- D. *Warrants.* It shall be the duty of the Chief of Police to cause to be served such warrants as may be lawfully issued by the Municipal Court and directed to him/her, as such Chief of Police for service for violation of any ordinance, which may be served any place in St. Louis County and not elsewhere. Such warrants may be also directed to the Sheriff or any Constable by the Municipal Court. (R.O. 2006 §115.100; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.090: PUBLIC WORKS DIRECTOR

- A. *Selection.* The Board of Trustees shall select some qualified individual to serve as Public Works Director who shall serve at the pleasure of the Board of Trustees.
- B. *Duties.* It shall be the duty of the Public Works Director to direct, supervise and be in charge of work and equipment, subject to the Board of Trustees given in references to opening, maintaining, cleaning and repairing of all streets, roads, alleys, sewers, drains, bridges, sidewalks, parkways, trees, lawns and public places in the Village of Riverview. The Director shall make inspections and see that the streets, alleys, sewers, drains, bridges, sidewalks, parkways, trees, lawns and public places are maintained and kept in good condition and free from obstructions and defects which might impair their free and open use by the public or result in injury to persons or property. The Public Works Director shall be head of the Public Works Department and as directed through the Board of Trustees or as required by the ordinances provide, erect and maintain all street signs and traffic signs and markings.
- C. The Public Works Director shall have the power, subject to prior approval by the Trustee serving as liaison to the Public Works Department, in emergencies to employ help in the performance of any of his/her duties until the next regular meeting of the Board of Trustees and shall certify to the Board the wages agreed to be paid such employee for approval.
- D. *Subject To Direction Of Board.* The Public Works Director shall perform such other duties as may be required by law or ordinance as directed by the Chairman and Board of Trustees and shall see that the directions of the Chairman and Board and all ordinances relative to streets, sewers, alleys, bridges, drains, parkways, trees, lawns and public places are obeyed and enforced. (R.O. 2006 §115.110; Ord. No. 96-04 §1, 4-25-96; Ord. No. 99-16 §1, 7-22-99)

SECTION 115.100: ATTORNEY

The Village Attorney shall attend the meetings of the Board of Trustees, advise the various Village officers, committees and boards upon legal questions pertaining to their respective duties for the Village, draw ordinances, deeds, releases, assessments, contracts, bonds and other documents relating to municipal affairs, represent the Village in all litigation in the courts and before the Public

Service Commission. The Village Attorney shall be a lawyer licensed to practice in the courts of the State of Missouri. (R.O. 2006 §115.120; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.110: PROSECUTING ATTORNEY

- A. *Creation Of Office.* There is hereby created the office of Prosecuting Attorney.
- B. *Selection, Qualifications And Term.* The Board of Trustees shall appoint some person as Prosecuting Attorney for a term of one (1) year, which term shall commence July first (1st) of each year. The person appointed shall be a lawyer licensed to practice in the courts of the State of Missouri.
- C. *Compensation.* The compensation of the Prosecuting Attorney shall be as provided from time to time by ordinance.
- D. The Board of Trustees may appoint an Associate Prosecuting Attorney to assist the Prosecuting Attorney in the performance of the duties of that office. If appointed, the Associate Prosecuting Attorney shall have the same qualifications and shall have and discharge the same powers and duties as the Prosecuting Attorney and shall serve a term of office concurrent with the Prosecuting Attorney. Compensation for services performed by the Associate Prosecuting Attorney shall be the same as the compensation established for the office of Prosecuting Attorney by the Board of Trustees from time to time. Payment of compensation to the Associate Prosecuting Attorney shall be in lieu of and not in addition to payment of compensation for the same duties to the Prosecuting Attorney. (R.O. 2006 §115.130; Ord. No. 96-04 §1, 4-25-96; Ord. No. 98-08 §1, 4-23-98)

SECTION 115.120: APPOINTEE MAY HOLD MORE THAN ONE OFFICE

- A. *May Combine Offices.* The Board of Trustees may, if they find it convenient to do so, appoint the same person to the office of Village Clerk and Village Collector.
- B. *Compensation Of Combined Office.* In the event of the same person holding two (2) or more offices as above outlined the total compensation for the performance of his/her duties in such offices shall be as approved by the Board of Trustees. (R.O. 2006 §115.140; Ord. No. 96-04 §1, 4-25-96)

SECTION 115.130: BUILDING COMMISSIONER—DUTIES—COMPENSATION

The Building Commissioner for the Village shall work at the number of hours each week as determined by the Board of Trustees in performance of the duties of that office. The Building Commissioner shall provide such documentation of time spent on the duties of that office as may be required by the Building Department Liaison Officer and/or the Board of Trustees from time to time. (R.O. 2006 §115.150; Ord. No. 96-22 §§1—2, 9-26-96; Ord. No. 01-12 §§1—2, 3-22-01; Ord. No. 01-25 §§1—2, 8-23-01)

CHAPTER 120: MUNICIPAL COURT

SECTION 120.010: COURT ESTABLISHED

- A. There is hereby established two (2) divisions of the Municipal Court, hereinafter referred to as Division I and Division II of the Riverview Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri.
- B. The Municipal Judge of Division I shall establish all rules necessary for the effective administration of both Division I and Division II of the Riverview Municipal Court. (R.O. 2006 §120.010; Ord. 102, Bill 287, CC §72.010; Ord. No. 09-03 §§1—2, 3-26-09)

SECTION 120.020: JURISDICTION

Violations of municipal ordinances shall be heard and determined only before divisions of the Circuit Court as hereinafter provided in this Chapter. "*Heard and determined*", for purposes of this Chapter, shall mean any process under which the Court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation.

SECTION 120.030: SELECTION OF JUDGE

The Judge of the Village's Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court and shall be selected as follows:

He/she shall be appointed to his/her position by the Board of Trustees for a term as specified herein. (R.O. 2006 §120.030; Ord. 102, Bill 287, CC §72.030)

SECTION 120.040: TERM OF OFFICE

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biannually from July first (1st). If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years. (R.O. 2006 §120.040; Ord. 102, Bill 287, CC §72.040)

SECTION 120.050: VACATION OF OFFICE

The Municipal Judge shall vacate his/her office under the following conditions:

- 1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12; or
- 2. Upon attaining his/her seventy-fifth (75th) birthday; or
- 3. If he/she should lose his/her license to practice law within the State of Missouri. (R.O. 2006 §120.050; Ord. 102, Bill 287, CC §72.050)

SECTION 120.060: QUALIFICATION FOR OFFICE

The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He/she need not reside within the Village.
3. He/she must be a resident of the State of Missouri.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may serve as a Municipal Judge for any other municipality.
6. He/she may not hold any other office within the Village government.
7. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment. (R.O. 2006 §120.060; Ord. 102, Bill 287, CC §72.060)

SECTION 120.070: SUPERINTENDING AUTHORITY

The Municipal Court of the Village shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives. (R.O. 2006 §120.070; Ord. 102, Bill 287, CC §72.070)

SECTION 120.080: REPORT TO BOARD OF TRUSTEES

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating the following:

A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendant committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report shall be filed with the Village Clerk, who shall thereafter forward the same to the Board of Trustees of the Village for examination at its first (1st) session thereafter. (R.O. 2006 §120.080; Ord. 102, Bill 287, CC §72.080)

SECTION 120.090: DOCKET AND COURT RECORDS

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of St. Louis County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit. (R.O. 2006 §120.090; Ord. 102, Bill 287, CC §72.090)

SECTION 120.100: MUNICIPAL JUDGE—POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri.
2. Administer oaths and enforce due obedience to all orders, rules and judgements made by him/her, and may fine and imprison for contempt committed before him/her while holding Court, in the same manner and to the same extent as a Circuit Judge.
3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this Village. (R.O. 2006 §120.100; Ord. 102, Bill 287, CC §72.100; Ord. No. 01-29 §1, 11-29-01)

SECTION 120.110: VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Violations Bureau to accept dispositions of matters pending in the Municipal Division, the Village shall provide all expenses incident to the operation of the same. The Municipal Court Clerk is hereby designated as the Violations Clerk for said Bureau, if established, and the Board of Trustees may also, from time to time, appoint or designate such additional persons as may be necessary to assist the Court Clerk to conduct said office. (R.O. 2006 §120.110; Ord. 102, Bill 287, CC §72.110; Ord. No. 99-31 §1, 12-16-99)

SECTION 120.120: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases. (R.O. 2006 §120.120; Ord. 102, Bill 287, CC §72.120)

SECTION 120.130: ARRESTS WITHOUT WARRANTS

The Chief of Police or other Police Officer of the Village may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances. (R.O. 2006 §120.130; Ord. 102, Bill 287, CC §72.130)

SECTION 120.140: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this Village shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment. (R.O. 2006 §120.140; Ord. 102, Bill 287, CC §72.140)

SECTION 120.150: DUTIES OF THE VILLAGE'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the Village's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the Village's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the Village. The compensation of such attorney shall not be contingent upon the result in any case. (R.O. 2006 §120.150; Ord. 102, Bill 287, CC §72.150)

SECTION 120.160: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance, but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons. (R.O. 2006 §120.160; Ord. 102, Bill 287, CC §72.160)

SECTION 120.170: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County. (R.O. 2006 §120.170; Ord. 102, Bill 287, CC §72.170)

SECTION 120.180: JAILING OF DEFENDANTS

If, in the opinion of the Municipal Judge, the Village has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Director of the Department of Justice Services for St. Louis County if space for the prisoner is available in the County Jail, upon receipt of a Warrant of Commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to the Director of the Department of Justice Services for St. Louis County for the keeping of such prisoner in his/her custody. The same shall be taxed as cost. (R.O. 2006 §120.180; Ord. 102, Bill 287, CC §72.180)

SECTION 120.190: PAROLE AND PROBATION

Any Judge hearing violations of municipal ordinances may, when in his/her judgement it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said Judge. (R.O. 2006 §120.190; Ord. 102, Bill 287, CC §72.190)

SECTION 120.195: FAILURE TO APPEAR IN MUNICIPAL COURT

A. A person commits the offense of failure to appear in Municipal Court if:

1. He/she has been issued a summons for a violation of any ordinance of the Village of Riverview and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.

B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

SECTION 120.200: RIGHT OF APPEAL

In all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Judge or on assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed within ten (10) days after judgement and shall be filed in such form and perfected in such manner as provided by Supreme Court rules. (R.O. 2006 §120.200; Ord. 102, Bill 287, CC §72.200)

SECTION 120.210: APPEAL FROM JURY VERDICTS

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court. (R.O. 2006 §120.210; Ord. 102, Bill 287, CC §72.210)

SECTION 120.220: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge,

such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the general revenue fund of the municipality. (R.O. 2006 §120.220; Ord. 102, Bill 287, CC §72.220)

SECTION 120.230: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case. (R.O. 2006 §120.230; Ord. 102, Bill 287, CC §72.230)

SECTION 120.240: PROVISIONAL MUNICIPAL JUDGE

There is hereby created the office of Provisional Municipal Judge of the Riverview Municipal Division of the St. Louis County Circuit Court. The position of Provisional Municipal Judge shall have the same qualification as those required of the Municipal Judge. The duties of the Provisional Municipal Judge shall be to serve as Municipal Judge in all cases in which the Riverview Municipal Judge shall be disqualified or unable to serve and to preside over sessions of the Riverview Municipal Division for which the Municipal Judge is unavailable. In the event the Provisional Municipal Judge shall perform the duties of the Municipal Judge the Municipal Judge shall receive no compensation for performing such duties, rather the Provisional Municipal Judge shall receive that compensation which would otherwise have been paid to the Municipal Judge for those duties. (R.O. 2006 §120.240; Ord. 102, Bill 287, CC §72.240; Ord. No. 93-6 §1, 3-15-93)

SECTION 120.250: CLERK OF MUNICIPAL COURT

The duties of the Clerk of the Municipal Court shall be as follows:

1. To collect such fines for violations of such offenses as may be described and the Court costs thereof.
2. To take oaths and affirmations.
3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him/her.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violation Bureau cases or as directed by the Municipal Judge, generally act as Violation Clerk of the Violation Bureau.
6. Perform all other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.

7. Maintain, properly certified by the Village Clerk, a complete copy of the ordinances of the Village of the municipality which shall constitute prima facie evidence of such ordinances before the Court. (R.O. 2006 §120.250; Ord. 102, Bill 287, CC §72.250; Ord. No. 90-21 §1, 11-19-90; Ord. No. 01-29 §1, 11-29-01)

SECTION 120.260: COURT COSTS

- A. The following words and phrases, as used in this Chapter, shall have the following respective meanings:

COURT COSTS: The total of fees, miscellaneous charges and surcharges imposed in a particular case.

FEES: The amount charged for services to be performed by the Municipal Court.

MISCELLANEOUS CHARGES: The amount allowed by law for services provided by individuals or entities other than the Municipal Court.

SURCHARGES: Additional charges allowed by law which are allowed for specific purposes designated by law.

- B. There shall be assessed violators of the laws of the Village, above and in addition to the fine imposed for such violation of such laws of said Village as provided by ordinance, basic Court fees in the amount of twelve dollars (\$12.00).
- C. An additional surcharge in the sum of two dollars (\$2.00) shall be assessed to be added to the basic fees in Subsection (B) of this Section, provided that no such surcharge shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be transmitted monthly to the Clerk of the Village and be used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The Village shall not retain for training purposes more than five hundred dollars (\$500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the Village. Any excess funds shall be transmitted quarterly to the Village's general fund.
- D. An additional surcharge in the sum of one dollar (\$1.00) shall be assessed for convictions of all violations of municipal ordinances in addition to any other Court cost. Such fees shall be collected by the Court Clerk and shall be transmitted monthly to the Treasurer of the State of Missouri to the credit of the Peace Officer Standards and Training Commission Fund.
- E. Other miscellaneous charges, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
- F. Actual miscellaneous charges assessed against the Village by the Director of the Department of Justice Services for St. Louis County Jail for apprehension or confinement in the County Jail.
- G. Miscellaneous charges for mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.

- H. There shall be assessed to each defendant who pleads guilty or is found guilty, in each case filed in the Village of Riverview Municipal Court, for violation of any ordinance of this Village an additional surcharge for the Crime Victims' Compensation Fund in the amount of seven dollars fifty cents (\$7.50), provided that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by this Court. Such surcharge shall be collected by the Clerk of the Court. All sums collected pursuant to this Subsection shall be distributed as follows:
1. Ninety-five percent (95%) of such sums shall be forwarded to the State of Missouri for deposit to the Crime Victims' Compensation Fund as provided in Section 595.045, RSMo.
 2. Five percent (5%) of such sums shall be paid to the Village Treasury.
- I. *Reimbursement Of Certain Costs Of Arrest.*
1. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the Village of Riverview involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 2. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood and the costs of processing, charging, booking and holding such person in custody.
 3. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive. (R.O. 2006 §120.260; Ord. 102, Bill 287 §456, CC §72.260; Ord. 171 §1; Ord. No. 91-6 §§1—2, 5-20-91; Ord. No. 93-22 §1, 9-23-93; Ord. No. 95-05 §§1—2, 5-4-95; Ord. No. 95-25 §1, 10-3-95; Ord. No. 96-30 §1, 12-26-96; Ord. No. 99-30 §1, 12-16-99; Ord. No. 01-32 §1, 11-29-01; Ord. No. 02-15 §1, 8-22-02; Ord. No. 09-23 §1, 11-19-09)

SECTION 120.270: COURT COSTS—ASSESS AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (R.O. 2006 §120.270; Ord. 102, Bill 287, CC §72.270)

SECTION 120.280: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violating an ordinance, it should be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate. (R.O. 2006 §120.280; Ord. 102, Bill 287, CC §72.280)

SECTION 120.290: ADMINISTRATIVE ACCESS WARRANTS**A. Definitions—Who May Issue, Execute Access Warrant.**

1. For the purposes of this Section, the following terms shall have the following meanings:

ACCESS: The physical presence of the Village on exterior property for the purpose of inspecting, repairing, removing, abating or demolishing a public nuisance or physical conditions located or existing on exterior property. Access for inspection purposes may include the photographing, copying or recording of property to determine or prove the existence of violations of any ordinance or Code Section of the Village relating to the use or condition of exterior property or to enforce the provisions of any such ordinance or Code Section.

ACCESS WARRANT OR WARRANT: A written order executed by the Municipal Judge authorizing access to exterior property as provided in this Section.

EXTERIOR PROPERTY OR PROPERTY: Any land on which a structure is not located and any chattels or personal property of any kind located thereon.

MUNICIPAL JUDGE OR JUDGE: The Presiding or Provisional Judge of the Municipal Division of the St. Louis County Circuit Court for the Village of Riverview.

OWNER: A person having an ownership interest in the exterior property to be accessed and the term shall include any lessor or renter of the property and any occupant of any structure located on the property.

PROBABLE CAUSE: The reasonable cause to believe that an ordinance or Code Section of the Village relating to the use or condition of exterior property is being violated because of the existence of a public nuisance or other physical conditions on such property.

PUBLIC NUISANCE: Any such nuisance as described or defined by any Village ordinance or Code Section or by any Statute of the State of Missouri.

STRUCTURE: Any construction in which the owner thereof has a reasonable expectation of privacy and that has a roof supported by columns or walls and is used for the shelter, support, enclosure or protection of persons, animals, chattels or property. The term shall not include any structure found to be a public nuisance in accordance with local, State or Federal law.

VILLAGE: The Village of Riverview, including its officers, employees and agents.

2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the Village may issue an access warrant authorizing access to exterior property upon a finding of probable cause as provided herein when:
 - a. The exterior property is located within the Village, and
 - b. The owner of the exterior property has refused to allow access after an official oral or written request by the Village. Failure of the owner to respond within five (5) business days after receipt of a written request for access shall be deemed a refusal for warrant purposes.

3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the Village and shall be executed by the Chief of Police or said Police Officer only upon the exterior property identified in the warrant and not elsewhere.

B. *Who May Apply For Warrant—Contents Of Application.*

1. Any Police Officer or an attorney of the Village may make application to the Municipal Judge for the issuance of an access warrant.
2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the exterior property to be accessed in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner of the exterior property to be accessed has been requested by the Village to allow such access and has refused to allow same;
 - e. State facts sufficient to show:
 - (1) That probable cause exists for the issuance of the warrant;
 - (2) The purpose of the access requested, including the applicable ordinance or Code Section suspected or alleged to have been violated;
 - (3) That any due process required by law has been afforded the owner prior to the access requested;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed with the Municipal Judge.
3. The application may be supplemented by a written affidavit verified by oath or affirmation. Oral testimony shall not be considered.

C. *Hearing Procedure, Issuance And Contents Of Warrant.*

1. *Hearing procedure and issuance.*
 - a. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to authorize access to exterior property.
 - b. If it appears from the application and any supporting affidavit that probable cause exists and that the access authority requested by the Village is reasonable in light of the suspected or alleged ordinance or Code violation, the Municipal Judge may issue an access warrant.
 - c. In determining whether probable cause exists and whether the access authority requested by the Village is reasonable, the Municipal Judge shall consider the goals of the ordinance

or Code Section sought to be enforced, the privacy interests of the owner, if any, and such other factors as may be appropriate, including, but not limited to, the physical condition of the exterior property, the age and nature of the property, the condition of the area in which the property is located, and the known violation of any relevant Village ordinance or Code Section.

- d. The warrant shall issue in the form of an original and two (2) copies and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Judge.

2. *Contents of access warrant.* The access warrant shall:

- a. Be in writing and in the name of the Village;
- b. Be directed to any Police Officer in the Village;
- c. State the time and date the warrant was issued;
- d. Identify the exterior property to be accessed in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- e. Identify the Village ordinance or Code Section suspected or alleged to have been violated;
- f. Command that the property be accessed for the purpose specified in the warrant and no other;
- g. Command that any property or evidence repaired, removed, abated, demolished, photographed, copied or recorded as a result of such access or a description of such property or evidence be returned, within ten (10) days (or such time as may be allowed by the Municipal Judge as provided in Section 120.290(D)(1)(d)) after filing of the application, to the Municipal Judge who issued the warrant to be dealt with according to law;
- h. Be signed by the Judge, with his or her title of office indicated.

D. *Execution And Return Of Warrant.*

1. *Execution.*

- a. An access warrant shall be executed only by a Village Police Officer, provided however, that one (1) or more Village Officials responsible for the enforcement of the ordinance or Code Section at issue may accompany the officer.
- b. The warrant shall be executed in the following manner:
 - (1) The warrant shall be executed by conducting access as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - (2) The officer shall give the owner of the property accessed a copy of the warrant.

- c. If any property is removed incident to the access, the following regulations shall apply:
 - (1) The officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
 - (2) A copy of the itemized receipt of any such property shall be delivered to an Attorney for the Village within two (2) working days of the access.
 - (3) The disposition of such property shall be in accordance with the applicable Village ordinance or Code Section, but in the absence of same, then disposition shall be controlled by Section 542.301 of the Revised Statutes of Missouri, as amended.
- d. An access warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application, but the Municipal Judge may extend the time of return in his or her discretion as circumstances might require.

2. *Return.*

- a. After execution of the access warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Judge.
- b. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property accessed or removed.
- c. The return shall be accompanied by any photographs, copies or recordings made and by any property removed, along with a copy of the itemized receipt of such property required by Section 120.290(D)(1)(c) hereof; provided however, that property may be disposed of as required or allowed by law, and property which cannot be returned to the Municipal Judge because of its size or other physical condition may be stored by the Village in accordance with law, and in either such case a description of the property shall accompany the return.
- d. The Municipal Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person.

E. *Warrant Invalid—When.* An access warrant shall be deemed invalid:

- 1. If it was not issued by the Municipal Judge;
- 2. If it was issued without a written application having been filed and verified;
- 3. If it was issued without sufficient probable cause;
- 4. If it was not issued with respect to exterior property located in the Village;
- 5. If it does not describe the exterior property to be accessed with sufficient certainty;
- 6. If it is not signed by the Municipal Judge who issued it; or
- 7. If it was not executed and the required return made within ten (10) days, or such other time as allowed by the Municipal Judge, after the date of the making of the application.

- F. *Effect Of Warrant.* Nothing in this Section shall be construed to deprive any owner of any right to notice or hearing or such other due process as may be provided by local, State or Federal law, and in such event the issuance, execution, return and disposition of property by the Village shall conform to the applicable due process requirement. (R.O. 2006 §120.290; Ord. No. 01-08 §1, 3-22-01; Ord. No. 01-13 §1, 4-26-01)

**SECTION 120.300: ASSESSMENT OF SPECIAL DETERRENT PAYMENT AS
CONDITION FOR PLACEMENT OF DEFENDANT ON PROBATION**

The Judge of the Municipal Court shall, as a condition of probation to any defendant, assess a special deterrent payment to be made to the Village in such amount as the Municipal Judge in its discretion deems reasonably necessary to ensure that defendant will not again violate the law, provided that such amount shall not exceed the maximum fine which could be levied for conviction of the offense with which the defendant has been charged. In assessing any such special deterrent sum, the Municipal Judge shall fix a schedule of payment thereof. (R.O. 2006 §120.300; Ord. No. 02-01 §1, 1-24-02)

CHAPTER 125: PERSONNEL CODE

ARTICLE I. PERSONNEL MANUAL

SECTION 125.010: PERSONNEL MANUAL ADOPTED

A certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as "Personnel Manual", together with certain amendments, revisions, deletions and additions thereto, all as reflected therein, is hereby adopted as the Personnel Code of the Village of Riverview, Missouri, for the control of employee-related matters, and each and all the regulations set out in the Code titles as above are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter. (R.O. 2006 §125.010; Ord. No. 06-07 §§1—3, 3-23-06)

CHAPTER 130: FINANCE, BUDGETING, PURCHASING AND TAXATION

ARTICLE I. GENERAL PROVISIONS

SECTION 130.010: FISCAL YEAR

Beginning January 1, 1995, the fiscal year of the Village shall begin on January first (1st) and end on the following December thirty-first (31st). (R.O. 2006 §130.010; Ord. 102, CC §22.010; Ord. No. 94-05 §1, 2-24-94)

SECTION 130.020: VILLAGE CLERK—PAYMENT OF VILLAGE OBLIGATIONS

- A. The Village Clerk shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the Village on warrants or purchase orders, duly drawn, passed or ordered in accordance with this Chapter.
- B. The Board of Trustees authorizes and orders the Village Clerk to pay promptly and without the need of further authorization the following obligations of the Village:
 - 1. All payments for electric, phone, gas, water, sewer and other utility services;
 - 2. Employee salaries and benefits;
 - 3. Ongoing contractual obligations for routine services such as insurance coverage and professional services payable on a periodic basis pursuant to contracts authorized and approved by the Board of Trustees;
 - 4. Other obligations to be paid on a periodic basis as imposed by law.
- C. The Board of Trustees authorizes and orders the Village Clerk to pay promptly, upon the written authorization of one (1) member of the Board of Trustees, any expenditure of one thousand dollars (\$1,000.00) or less and any amount over one thousand dollars (\$1,000.00) and less than five thousand dollars (\$5,000.00) with the written authorization of two (2) members of the Board of Trustees.
- D. The Village Clerk may pay expenses in accordance with Subsections (B) and (C) above, only if sufficient funds are on hand for such payment and only if the submitted expense is within the amount allocated for such purpose in the annual budget as adopted or approved by the Board of Trustees.
- E. The Village Clerk may pay any expense in excess of five thousand dollars (\$5,000.00) only upon the authorization and order of the Board of Trustees made at any regular or special meeting.
- F. The Village Clerk shall also perform such other duties as may be required by ordinance or as directed by the Board of Trustees. (R.O. 2006 §117.010; Ord. No. 96-10 §1, 6-27-96; Ord. No. 04-13 §1, 8-26-04)

ARTICLE II. BUDGET**SECTION 130.030: APPOINTMENT AND DUTIES OF BUDGET OFFICER**

- A. The Village Clerk shall be the ex officio Budget Officer for the Village unless the Board of Trustees chooses to appoint or employ some person other than the Village Clerk as Budget Officer, with compensation as to be established by the Board from time to time.
- B. The Budget Officer shall prepare the annual budget which shall present a complete financial plan for the ensuing budget year and shall include:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption charges on the Village's debt;
 - 5. A general budget summary.
- C. The total proposed expenditures shall not exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. (R.O. 2006 §117.020; Ord. No. 96-10 §1, 6-27-96)

SECTION 130.040: BUDGET

- A. *Budget Required.* Prior to the commencement of each fiscal year, a budget for the Village shall be prepared, and the same will be presented to and approved by the Board of Trustees.
- B. *Budget Contents.* The annual budget shall present a complete financial plan for the next fiscal year. The following shall be included in the budget.
 - 1. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
 - 2. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of the revenues for the previous two (2) budget years. These comparisons shall be shown by year, fund and source.
 - 3. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the previous two (2) years. These comparisons should be shown by year, fund, activity and object.

4. The amount of money required to pay any interest, amortization or redemption charges which the municipality will owe during the budget year.
 5. A general summary of the total proposed budget.
- C. *Budget Officer.* The Budget Officer for this Village shall be appointed by the Board of Trustees. It is the responsibility of the Budget Officer to prepare the budget after reviewing expenditure requests and revenue estimates with other Village Officers. The Budget Officer shall submit the completed budget and supporting schedules and exhibits to the Chairman of the Board of Trustees, who shall present the same to the Board of Trustees.
- D. *Expenditures Limited.* Expenditure estimates in the budget shall not be larger in amount than the total anticipated revenue for the budget year, plus any surplus from the previous year or less any deficit from the previous year.
- E. *Budget Calendar.* The Budget Officer shall prepare the Village budget in accordance with the following calendar:
1. In July of each year, the Budget Officer will collect the data necessary and make preliminary revenue estimates for the coming fiscal year. He/she will estimate expenditures for the present year and note expenditures and revenues for the previous two (2) fiscal years.
 2. In August of each year, the Budget Officer will request from each Village Officer a statement of expenditures requested for the coming fiscal year.
 3. In September of each year, the Budget Officer will review the departmental requests and make his/her final revenue estimates for the coming fiscal year and will confer with department heads to discuss these requests.
 4. In October of each year, the Budget Officer will begin assembling the Village budget.
 5. In November of each year, the Budget Officer will confer with the Board and any such other officers as the Board may designate for preparation of the Village budget for the next fiscal year to be submitted to the Board of Trustees.
 6. The budget shall be submitted to the Board of Trustees at the regular meeting in December.

In order to accomplish the change in the Village's fiscal year as set out in this Section, the budget to be prepared for the Village for the period beginning July 1, 1994, shall be in effect for only six (6) months and shall serve as a transitional budget until a superseding annual budget for the fiscal and calendar year of 1995 shall be adopted.

- F. *Budget Procedures.* To the maximum extent practicable, and to the extent it does not conflict with State law, the Code or other ordinance, the budget shall be prepared in accordance with A Guide to Budgeting for Missouri Municipalities published by the Missouri Municipal League. (R.O. 2006 §130.030; Ord. 102, CC §§22.100—22.170; Ord. No. 94-05 §2, 2-24-94)

SECTION 130.050: BUDGET PROCEDURES

- A. All officers and employees of the Village shall cooperate with the Village Clerk and supply requests for funds and information as to revenues.

- B. The proposed budget shall be submitted to the Board of Trustees along with such explanatory material as may be appropriate or required. The Board of Trustees may approve the budget as submitted or amend, alter or revise the same, but in any event must adopt a budget for the Village prior to the beginning of the fiscal year and shall adopt such motions, resolutions or ordinances as may be required to authorize the budgeted expenditure and to produce the revenues estimated.
- C. No expenditure shall be authorized from any fund in excess of the total amount budgeted for such fund except by resolution of the Board of Trustees setting forth the facts and reasons making the increase necessary and authorizing the expenditures. (R.O. 2006 §117.030; Ord. No. 96-10 §1, 6-27-96)

ARTICLE III. PURCHASING

SECTION 130.060: PURCHASING PROCEDURES

- A. *Conflict Of Interest.* The department head and every officer, agent and employee of the Village are hereby prohibited from accepting, directly or indirectly, from any person to whom any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever.
- B. *General Duties Of Department Head.* In addition to any other duties prescribed by ordinance, all department heads shall direct, supervise and be responsible for the procurement and acquisition of all materials, supplies, equipment and contractual services required by his/her department which are funded wholly or partially, either directly or indirectly, by Village funds.
- C. *Items Less Than One Thousand Dollars.* The department head, upon approval of the department liaison officer, may, without formal bids, issue purchase orders or acquire in the open market all budgeted goods and services with a value of less than one thousand dollars (\$1,000.00). Such acquisition shall be based upon sound procurement principles. Whenever practicable, purchases shall be based upon quotations from two (2) or more vendors. Notwithstanding the foregoing, any and all formal contracts for services or items of equipment purchased by sealed bids must be approved by the Chairman and Board of Trustees.
- D. *Items Of Five Thousand Dollars Or More.* A purchase, purchase order or contract of five thousand dollars (\$5,000.00) or more shall be made or issued and become valid only when approved by the Board of Trustees, who shall have determined that there is sufficient unencumbered balance in the appropriate account of the using agency to fund such purchase, purchase order or contract, except where otherwise provided in the budget.
- E. *Bidding Procedures.*
 - 1. Supplies, materials, equipment and contractual services shall be procured only after formal written bids when the value of the proposed procurement is in excess of five thousand dollars (\$5,000.00), or when directed by the Board of Trustees or required by State law. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this Section, and the total cost of all of such items will determine whether a formal competitive bidding procedure must be followed. No contract or purchase shall be subdivided to avoid competitive bidding procedures.

2. Such bids shall be invited through a notice to be published in a newspaper of general circulation in the North County area at least two (2) weeks prior to the date specified for submission of bids. A public notice shall be posted in a prominent and public place at the Village Hall. Such notice shall include:
 - a. A general description of the item or items to be purchased;
 - b. The conditions of such purchase;
 - c. The place where specifications and bid forms may be secured;
 - d. The time and place for submitting such bids; and
 - e. The time and place for acceptance of bids.

The department head will also solicit bids by mailing copies of the specifications and bidding documents to prospective vendors.

3. All bids for any contract or purchase may be rejected with or without reason and a provision to this effect shall be included in all notices or advertisements.
4. The department head may advertise for sealed bids for any item for which an appropriation has been made in the annual budget of the Village or upon resolution of the majority of the members of the Board of Trustees.
5. All bids shall be sealed, shall be identified as bids on the envelope and shall be submitted within the time and at the place stated in the public notice inviting bids. The time of receipt of each bid shall be entered by the receiving employee or the envelope containing such bid.
6. The department head shall open all bids as soon as practicable after the time to submit bids has expired and shall, in conjunction with the Village Clerk, prepare a written summary of all bids prior to the next regular meeting of the Board of Trustees. All bids received shall be made available for inspection as public records, and results of the bidding and awarding of contracts shall be posted in a prominent and public place at the Village Hall. Notwithstanding the foregoing, the Board of Trustees may require a public opening of bids for any purchase or acquisition.
7. After presentation of the available data, the Board of Trustees, at a regular or special meeting, shall award the contract to the lowest responsive, responsible, timely bidder for the goods and services to be procured; provided however, the Board of Trustees shall have the authority to reject all bids.
8. Subsequent to the award by the Board of Trustees, the department head shall by purchase order or formal contract enter into an agreement with the bidder selected by the Board of Trustees for procurement of the goods and services to be provided.
9. When deemed necessary by the Board of Trustees, bid deposits may be required. Such deposits may be required to be in the form of a certified check or bid bond and may be for the amount of one thousand dollars (\$1,000.00) or ten percent (10%) of the amount of the bid, whichever is greater. When so required, all bids not accompanied by such deposit shall be rejected. Such bid deposit shall be returned to all bidders upon execution of a contract with, or of a purchase

order to, the successful bidder. A successful bidder shall forfeit his/her deposit if he/she fails to enter into a contract within twenty (20) days after the award.

10. The successful bidder may be required to post a performance bond whenever the same is deemed appropriate by the Board of Trustees; provided however, such requirement is set forth in the conditions of bidding. Such performance bond may be in the form of a specified amount or a percentage of the value of the proposed purchase. The department head shall establish, in the conditions of bidding, such terms as may be deemed appropriate to protect the interest of the Village.
- F. The Board of Trustees may by resolution approve negotiated procurement of goods or services in excess of five thousand dollars (\$5,000.00) if there have been no responsive bids to an advertisement for bids or if the Board of Trustees has rejected all bids. (R.O. 2006 §117.040; Ord. No. 96-10 §1, 6-27-96)

SECTION 130.070: MISCELLANEOUS PURCHASING PROCEDURES

- A. *Sole Source Items.* The Board of Trustees may by resolution approve negotiated procurement of goods or services of a value in excess of five thousand dollars (\$5,000.00) without requiring formal competitive bids if the Board of Trustees determines from all information submitted to it by the department head that such goods are of such specialized or non-standard nature, that they can be acquired only from a sole source of supply and that no similar standard goods would reasonably satisfy the Village's requirements.
- B. *Professional Services.* When professional services in addition to those provided by the Village's officers and employees are required by the Village, investigation shall be made in the manner directed or approved by the Board of Trustees concerning persons or companies who perform the required service. On the basis of such investigation, the Board of Trustees shall then designate or approve one (1) or more of such persons or companies for negotiation. The Board of Trustees may then by ordinance approve a contract for the required professional service. Professional services include, but are not limited to, services relating to engineering, architecture, public improvements, tax collections, law, urban planning, accounting, insurance and consultants for other Village needs, whenever such expertise is not available from Village Officers and employees.
- C. *Acquisition Of Real Estate.* Real estate shall be acquired by the Village only pursuant to a contract authorized and approved by an ordinance enacted by the Board of Trustees.
- D. *Public Improvements.*
1. Public improvements covered by ordinances of the Village shall be contracted for in the manner provided in this Chapter.
 2. Emergency work or repairs requiring prompt attention, ordinary maintenance work, work to be paid out of the general fund of the Village for which specific provision was made in the budget and work to be paid out of the appropriated proceeds of any bond issue authorized by the vote of the people shall be procured as provided by the provisions of this Chapter applicable to the types of procurement involved.

E. *Disposition Of Surplus.*

1. All department heads shall report to the Board of Trustees the existence of any supplies, materials or equipment which are no longer used or which have become obsolete, worn out or unusable.
2. The department head shall have the authority to transfer surplus supplies, materials and equipment to other department heads, or he/she shall have the authority to exchange such personal property on new supplies, materials and equipment acquired in accordance with this Chapter.
3. Surplus, unusable or obsolete supplies, materials and equipment whose estimated value is in excess of five thousand dollars (\$5,000.00) shall be sold by formal written contract to the best responsible bidder, after due notice inviting bids as provided for procurement by competitive bids.
4. Sales of surplus, obsolete or unusable personal property valued at less than five thousand dollars (\$5,000.00) shall be made in the open market and in accordance with the procedure set forth for open market purchases.

F. *Unauthorized Purchases.* Except as otherwise provided by the Board of Trustees, the department head or this Chapter, it shall be unlawful for any officer or employee of the Village other than the department head to purchase materials, supplies or equipment or to enter into contracts for any goods or services, and the Village shall not be bound by any such purchase order or contract.

G. *Liability.* If any officer of the Village shall knowingly violate any provision of this Chapter, he/she shall be personally liable to the Village and liable under his/her bond, if any, for any damages suffered by the Village. (R.O. 2006 §117.050; Ord. No. 96-10 §1, 6-27-96)

ARTICLE IV. TAXATION**SECTION 130.080: COLLECTION OF TAXES**

- A. *St. Louis County To Collect.* St. Louis County, Missouri, is hereby authorized to collect all real estate and personal property taxes due the Village of Riverview for the year 1971 and subsequent years pursuant to a tax collection contract to be executed and made a part hereof.
- B. *Contract Authorized.* The Chairman of the Board of Trustees of the Village of Riverview is authorized and directed to enter into on behalf of the Village a contract with St. Louis County, Missouri, for the collection of all such taxes, which said contract shall provide for a commission to St. Louis County, Missouri, and further provide for suit on delinquent taxes by St. Louis County, Missouri, on behalf of said Village of Riverview. (R.O. 2006 §130.050; Ord. 102, CC §§26.010—26.020)

SECTION 130.090: SALES TAX

- A. A tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the

extent and in the manner provided in Sections 144.010 to 144.510, RSMo., 1959, and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the Village of Riverview, Missouri, if such property and services are subject to taxation by the State of Missouri under the provisions of Section 144.010 to 144.510, RSMo., 1959, as amended.

- B. Board of Trustees consents to transfer from Group A to Group B, which authorizes funds to be distributed according to the population from the St. Louis County Sales Tax Trust Fund. (R.O. 2006 §130.060; Ord. 102, Bill 277, CC §81.010)

CHAPTER 135: ETHICS AND CONFLICTS OF INTEREST

ARTICLE I. ETHICS

SECTION 135.010: DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings:

BUSINESS ENTITY: A corporation, association, firm, partnership, proprietorship or business entity of any kind or character.

BUSINESS WITH WHICH ONE IS ASSOCIATED:

1. Any sole proprietorship owned by oneself, one's spouse or any dependent children in one's custody; or
2. Any partnership or joint venture in which one or one's spouse is a partner, other than a limited partner of a limited partnership, and any corporation or limited partnership in which one is an officer or director or of which either one or one's spouse or dependent child in one's custody whether singularly or collectively owns in excess of ten percent (10%) of the outstanding shares of any class of stock or partnership units; or
3. Any trust in which one is a trustee or settlor or in which one or one's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent (10%) or more of the corpus of the trust.

DEPENDENT CHILD OR DEPENDENT CHILD IN ONE'S CUSTODY: All children, stepchildren, foster children and wards under the age of eighteen (18) residing in one's household and who receive in excess of fifty percent (50%) of their support from the individual.

ELECTED OFFICIAL: Each person elected or appointed to the Board of Trustees of the Village of Riverview, Missouri.

SUBSTANTIAL INTEREST: Ownership by the individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE: Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

VILLAGE: The Village of Riverview, Missouri. (R.O. 2006 §135.010; Ord. No. 94-10 §1, 5-26-94)

SECTION 135.020: PROHIBITED ACTIONS—ALL OFFICIALS AND EMPLOYEES

No elected or appointed official or employee of the Village shall:

1. Act or refrain from acting in any capacity in which one is lawfully empowered to act as an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to oneself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the Village; or
2. Use confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself, one's spouse, dependent child in one's custody, or any business with which one is associated; or
3. Disclose confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself or any other person; or
4. Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such employee or official or the employee's or official's spouse or dependent children including, but not limited to, increases in retirement benefits, whether received from the Village or any third party by reason of such act. For the purposes of this provision, "*special monetary benefit*" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials or employees must recuse themselves from acting and shall not be relieved by reason of the provisions of Section 135.050 below, except that such official or employee may act on increases in compensation subject to the restrictions of the Missouri Constitution; or
5. Use one's decision-making authority for the purpose of obtaining a financial gain which materially enriches oneself, one's spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary benefit. (R.O. 2006 §135.020; Ord. No. 94-10 §1, 5-26-94)

SECTION 135.030: PROHIBITED ACTIONS—EXECUTIVE OR ADMINISTRATIVE OFFICIALS AND EMPLOYEES

No elected or appointed official or employee of the Village, serving in an executive or administrative capacity, shall:

1. Perform any service for the Village for receipt of any compensation, other than the compensation provided for the performance of one's official duties, in excess of five hundred dollars (\$500.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received; or
2. Sell, rent or lease any property to the Village receive consideration therefor in excess of five hundred dollars (\$500.00) per year unless the transaction is made pursuant to an award on a

contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

3. Participate in any matter, directly or indirectly, in which the officer or employee attempts to influence any decision of the Village when the officer or employee knows the result of such decision may be the acceptance of the performance of a service or the sale, rental or lease of any property to the Village for consideration in excess of five hundred dollars (\$500.00) value per annum to the officer or employee, to his or her spouse, to a dependent child in his or her custody or to any business with which the officer or employee is associated, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
4. Perform any service for consideration, during one (1) year after termination of his/her office or employment, by which the officer or employee attempts to influence a decision of the Village except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor in any adversary proceeding or in the preparation or filing of any public document; or
5. Perform any service for any consideration for any person, firm or corporation after termination of the officer's term or the employee's employment in relation to any case, decision, proceeding or application with respect to which the officer or employee was directly concerned or in which the officer or employee personally participated during the period of his or her service or employment. (R.O. 2006 §135.030; Ord. No. 94-10 §1, 5-26-94)

SECTION 135.040: PROHIBITED ACTS—MEMBERS OF THE BOARD OF TRUSTEES

A. No member of the Board of Trustees shall:

1. Perform any service for the Village for any consideration other than the compensation provided for the performance of one's official duties; or
2. Sell, rent or lease any property to the Village for consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
3. Attempt, for any compensation other than the compensation provided for the performance of one's official duties, to influence the decision of the Village on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

B. No sole proprietorship, partnership, joint venture or corporation in which any member of the Board of Trustees is a sole proprietor, a partner having more than ten percent (10%) partnership interest, or a co-participant or owner of in excess of ten percent (10%) of the outstanding shares in any class of stock shall:

1. Perform any service for the Village for any consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let after

public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

2. Sell, rent or lease any property to the Village where the consideration is in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (R.O. 2006 §135.040; Ord. No. 94-10 §1, 5-26-94)

SECTION 135.050: DISCLOSURE OF INTEREST REQUIRED

Any member of the Board of Trustees who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the Board of Trustees shall, before passing on the measure, bill, order or ordinance, file a written report of the nature of the interest with the Clerk of the Village and such statement shall be recorded in the minutes of the meeting. (R.O. 2006 §135.050; Ord. No. 94-10 §1, 5-26-94)

SECTION 135.060: EXCEPTIONS

- A. No provision of this Chapter shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court of law to be performed.
- B. No provision of this Chapter shall be construed to prohibit any person from communicating with the office of the Attorney General or any prosecuting attorney or any attorney of the Village concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.
- C. No provision of this Chapter shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the Village under the power of eminent domain in accord with the provisions of the Missouri Constitution, the Laws of the State of Missouri or the ordinances of the Village. (R.O. 2006 §135.060; Ord. No. 94-10 §1, 5 -26-94)

SECTION 135.070: PROHIBITED ACTS—PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS

- A. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:
 1. The person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt or cousin.
 2. He knows the subject matter is such that he or she may receive a direct financial gain from any potential result of the proceeding, except that no provision of this Subsection shall be construed to prohibit him/her from participating in any proceeding by reason of the fact that the Village or any agency of the Village is a party.
- B. No provision of this Section shall be construed to prohibit him or her from entering an order disqualifying himself/herself or transferring the matter to another court, body or person for further proceedings. (R.O. 2006 §150.070; Ord. No. 03-17 §1, 5-22-03)

ARTICLE II. CONFLICTS OF INTEREST**SECTION 135.080: CONFLICT OF INTEREST—FINANCIAL DISCLOSURE**

A. *Declaration Of Policy.* The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial and other interests in matters affecting the Village.

B. *Conflict Of Interest.*

1. All elected and appointed officials as well as employees of a political subdivision must comply with Section 105.454, RSMo., on conflicts of interest, as well as any other State law governing official conduct.
2. Any member of the Governing Body of a political subdivision who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the Governing Body.

"Substantial personal or private interest" is defined as ownership by the individual, his/her spouse or his/her dependent children, whether singularly or collectively, directly or indirectly of:

- a. Ten percent (10%) or more of any business entity;
- b. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
- c. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within a calendar year.

C. *Disclosure Reports.* Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the full-time general counsel shall disclose the following information by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transaction occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such

person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The chief administrative officer, chief purchasing officer and candidates for either of these positions shall disclose by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

D. Filing Of Reports.

1. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
 - a. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st), and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the board may supplement their financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
 - b. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December thirty-first (31st).
 - c. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
2. Financial disclosure reports giving the financial information required in Subsection (C) shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 08-24 §§1—4, 6-26-08; Ord. No. 10-04 §§1—4, 6-24-10)

CHAPTER 140: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 140.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided as detailed in Section 140.110 of this Chapter, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the Village's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the Village, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Chairman or Board of Trustees.
2. Any department or division of the Village.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the Village, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE: Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

SECTION 140.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes

or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in

responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.

17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
 - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
 - d. This exception shall sunset on December 31, 2008.
18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 140.030: ELECTRONIC TRANSMISSIONS—PUBLIC RECORD—WHEN

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo.

SECTION 140.040: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when Village Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The Village shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The Village may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 140.020 shall be permitted without permission of the Village; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 140.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 140.050: CLOSED MEETINGS—HOW HELD

- A. Except as set forth in Subsection (D) of Section 140.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 140.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 140.060: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 140.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body, consisting of members who are all elected, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 140.070: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 140.080: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 140.090: CUSTODIAN DESIGNATED—RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The Village Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the Village and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

**SECTION 140.100: VIOLATIONS—REMEDIES, PROCEDURE, PENALTY—VALIDITY
OF ACTIONS BY GOVERNING BODIES IN VIOLATION—
GOVERNMENTAL BODIES MAY SEEK INTERPRETATION OF LAW**

- A. The remedies provided by this Section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of this State may seek judicial enforcement of the requirements of Sections 610.010 to 610.026, RSMo. Suits to enforce Sections 610.010 to 610.026, RSMo., shall be brought in the Circuit Court for the County in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim or cross-claim in a civil action brought to enforce the provisions of Sections 610.010 to 610.027, RSMo., the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to Section 610.021, RSMo., or the assertion that the requested record is not a public record until the court directs otherwise.
- B. Once a party seeking judicial enforcement of Sections 610.010 to 610.026, RSMo., demonstrates to the court that the body in question is subject to the requirements of Sections 610.010 to 610.026, RSMo., and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of Sections 610.010 to 610.026, RSMo.
- C. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of Sections 610.010 to 610.026, RSMo., the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.
- D. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00). If the court finds that there was a purposeful violation of Sections 610.010 to 610.026, RSMo., then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.
- E. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of Sections 610.010 to 610.026, RSMo., a court shall void any action taken in violation of Sections 610.010 to 610.026, RSMo., if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of Sections 610.010 to 610.026, RSMo., outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one (1) year from which the violation is ascertainable and in no event shall it be brought later than two (2) years after the violation. This Subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

- F. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the Circuit Court of the County of the public governmental body's principal place of business to ascertain the propriety of any such action or seek a formal opinion of the Attorney General or an attorney for the governmental body.

SECTION 140.110: FEES FOR COPYING PUBLIC RECORDS—LIMITATIONS

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
 2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies.

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 140.120: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

SECTION 140.130: POLICE DEPARTMENT RECORDS

- A. The Police Department of the Village shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 140.150.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section

or Section 140.150 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a Law Enforcement Agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or Agency has violated this Section previously.
- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 140.140: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 140.150 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 140.150.
- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Sections 568.045, 568.050, 568.060, 568.065, 568.080, 568.090 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request.

SECTION 140.150: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

SECTION 140.160: "911" TELEPHONE REPORTS

Except as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 140.130. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 140.170: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS—PUBLIC ACCESS TO CERTAIN INFORMATION

The Village of Riverview Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and

copying by the public:

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.

ARTICLE III. RECORDS MANAGEMENT

SECTION 140.180: RECORDS MANAGEMENT

- A. *Village Clerk Keeps Records.* The records of the Village shall be kept in the custody of the Village Clerk.
1. As used in this Section, the word, "record" or "records" shall mean any document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Section and are hereinafter designated as "non-record" materials.
 2. The Village Clerk may delegate to a subordinate or to another Village Official authority to have temporary custody of Village records, after satisfying himself/herself as to the safety of said records.
- B. *Destruction Of Records And Non-Record Materials.* All records made or received by or under the authority of or coming into the custody, control or possession of local officials in the course of their public duties are the property of the Village and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value.
 2. Non-record materials or materials not included within the definition of records may, if not otherwise prohibited by law, be destroyed at any time, if same have the approval of the Missouri Local Records Board.

3. Records of the Village may be disposed of or destroyed in accordance with guidelines prescribed by the Missouri Secretary of State. (R.O. 2006 §130.040; Ord. 102, CC §§22.200—22.210)

TITLE II. PUBLIC SAFETY, HEALTH AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

ARTICLE I. POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

SECTION 200.010: POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL ADOPTED

A certain document, copies of which are on file in the offices of the Village Clerk and the Chief of Police, being marked and designated as "Police Manual", together with certain amendments, revisions, deletions and additions thereto, all as reflected therein, is hereby adopted as the Police Department Policy and Procedure Code of the Village of Riverview, Missouri, for the control of employee-related matters, and each and all the regulations set out in the Code titles as above are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter. (R.O. 2006 §200.010; Ord. No. 06-08 §§1—3, 3-23-06)

CHAPTER 202: ALARM SYSTEMS

SECTION 202.010: SHORT TITLE

This Chapter may be designated and/or cited as The Alarm Systems Code of the Village of Riverview. (R.O. 2006 §202.010; Ord. No. 94-22 §1, 9-22-94)

SECTION 202.020: DEFINITIONS

As used in this Chapter, the following terms shall have the meaning and definitions hereinafter provided:

ALARM SYSTEM: Any mechanical or electrical device which is designed to be actuated annually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER: A person who uses an alarm system to protect any building, structure, facility or premises.

AUDIBLE ALARM: An alarm system equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

AUTOMATIC DIALING DEVICE: An alarm system which automatically dials a specific telephone number and transmits an emergency message by recording over regular telephone lines when actuated.

CHIEF OF POLICE: The Marshal and Chief of the Village of Riverview Police Department and includes his/her duly authorized agents.

DEPARTMENT: The Village of Riverview Police Department.

DIRECT SIGNAL ALARM SYSTEM: An alarm system which provides for a special telephone line that is directly connected to a Police Department and has an outlet at the Department which emits a sound or transmits a signal, or both, when actuated.

FALSE ALARM: Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which Police Department personnel respond, including activation caused by the malfunction of the alarm system, except that the following circumstances shall not be considered false alarms, to wit:

1. When the Chief of Police determines that an alarm has been caused by damage, testing or repair of the telephone equipment or lines by a telephone company, provided that such incidents are promptly reported by the company which caused them;
2. When an alarm is caused by an attempted and unauthorized or illegal entry of which there is visible evidence;

3. When an alarm is intentionally caused by a person at the premises acting under a reasonable belief that a need existed for calling emergency or Police personnel;
4. When an alarm is followed by notice to the Police Department canceling the alarm by giving proper information, prior to the arrival of Police or emergency personnel at the source of the alarm;
5. When the alarm is caused by an act of God, such as earthquake, flood, windstorm, thunder or lighting. (R.O. 2006 §202.020; Ord. No. 94-22 §1, 9-22-94)

SECTION 202.030: CHARGES FOR FALSE ALARMS

- A. All false alarms to which the Police Department responds shall result in the following charges to the alarm user:
 1. For the first (1st) false alarm in a calendar year there shall be no charge, but a warning shall be issued;
 2. A fifteen dollar (\$15.00) service charge for the second (2nd) false alarm at a premises in any calendar year;
 3. A twenty-dollar (\$20.00) service charge for the third (3rd) false alarm at a premises in any calendar year;
 4. A twenty-five dollar (\$25.00) service charge for the fourth (4th) and any subsequent false alarms at a premises in any calendar year.
- B. Upon determination by the Police Department that a false alarm has occurred, the Police Department shall send a notice to the alarm user notifying the alarm user of the determination and directing the payment within ten (10) days of any service charge that may be due.
- C. The Police Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in the definition of "false alarm" in Section 202.020.
- D. Refusal to pay such a service charge within ten (10) days of such notice shall constitute a violation of this Section. (R.O. 2006 §202.030; Ord. No. 94-22 §1, 9-22-94)

SECTION 202.040: DIRECT SIGNAL ALARM SYSTEM

- A. All direct signal alarm systems which connect to the Police Department are prohibited, except for Federal institutions which are required to have such an alarm system under Federal law.
- B. Any Federal institution which is permitted to have a direct signal alarm system shall be required to pay for all costs for the installation, maintenance and repair of the alarm system. (R.O. 2006 §202.040; Ord. No. 94-22 §1, 9-22-94)

SECTION 202.050: AUDIBLE ALARMS

- A. No person shall install or use an audible alarm without a fifteen (15) minute timer.
- B. On or after January 1, 1995, any alarm user having an audible alarm shall be required to have and be responsible for equipping such an alarm with a fifteen (15) minute timer. (R.O. 2006 §202.050; Ord. No. 94-22 §1, 9-22-94)

CHAPTER 205: RESERVED

Editor's Note—Ord. no. 09-14 §1, adopted June 25, 2009, repealed ch. 205 "board of police commissioners" in its entirety. Former ch. 205 derived from R.O. 2006 §§205.010—205.060; ord. no. 102, CC §§71.400—71.450; bill 432; ord. no. 91-2 §2, 3-18-91; ord. no. 92-26 §§1—2, 8-17-92; ord. no. 92-30 §1, 10-19-92; ord. no. 97-23 §1, 8-28-97.

~~SECTIONS 205.010—205.060: RESERVED~~

per M. J. 2/11/10
3/20/10

CHAPTER 210: MUTUAL COOPERATION AGREEMENT

SECTION 210.010: VILLAGE AGREES TO COOPERATE

This Village hereby contracts and agrees to cooperate with each and every City, Town and Village within St. Louis County, Missouri, for certain common Police service under the terms and conditions herein contained. (R.O. 2006 §210.010; Ord. 102, CC §71.600)

SECTION 210.020: RECIPROCITY

This contract for mutual cooperation shall become effective with respect to each municipality within St. Louis County, Missouri, upon the passage of a like ordinance authorizing such contract by such municipality. (R.O. 2006 §210.020; Ord. 102, CC §71.610)

SECTION 210.030: TERMINATION WITH RESPECT TO PARTICULAR MUNICIPALITY

This contract insofar as it is applicable to any particular municipality may be terminated at any time by any party hereto thirty (30) days after service upon the Clerk of the other contracting municipalities of a certified copy of an ordinance terminating this contract of such municipality. (R.O. 2006 §210.030; Ord. 102, CC §71.620)

SECTION 210.040: RENDER ASSISTANCE

The members of the Police force of this municipality shall respond to requests for assistance within the boundary limits of any other contracting municipality, pursuant to the directions and approval of the office of the Chief of Police of the Village of Riverview. (R.O. 2006 §210.040; Ord. 102, CC §71.630)

SECTION 210.050: RENDER ASSISTANCE—DUTY OF OFFICER

It shall be the duty of the members of the Police force of this community to perform police services in any municipality that is a party to this contract, when requested by such municipality and authorized to do so by the office of the Chief of Police of the Village of Riverview. (R.O. 2006 §210.050; Ord. 102, CC §71.640)

SECTION 210.060: POWERS OF OFFICERS

Each Police Officer performing services in any other municipality in accordance with the terms of this contract shall have all the powers, rights, privileges, duties and immunities as the members of the Police Force of the municipalities requesting assistance but shall remain in the employment and under the direction, supervision, and control of the proper officers and authorities of their own respective municipalities. (R.O. 2006 §210.060; Ord. 102, CC §71.650)

SECTION 210.070: CONSIDERATION

Consideration for this contract shall be the mutual agreements of the parties hereto and no compensation shall be paid by any participating municipality to any other. (R.O. 2006 §210.070; Ord. 102, CC §71.660)

SECTION 210.080: LOSS OF POLICE PROPERTY

Equipment and property utilized in the carrying out of the common police services provided by this contract shall be at the risk of the municipality owning the same and any loss or damage thereto shall be borne by such owner municipality; provided that nothing herein contained shall be construed to limit the liability of any municipality or of its agents, servants or employees arising out of tortious conduct. (R.O. 2006 §210.080; Ord. 102, CC §71.670)

CHAPTER 213: POLICE COMMUNICATIONS AGREEMENT

SECTION 213.010: VILLAGE MEMBER OF MUNICIPAL RADIO SYSTEM

- A. This Village hereby covenants and agrees to cooperate with each and every City, Town or Village which is a member of the Municipal Radio System, St. Louis County, Missouri, for certain mutual-aid Police services under the terms and conditions herein contained.
- B. This Chapter for mutual cooperation Police services shall become effective with respect to each municipality that is a member of the Municipal Radio System upon passage of a like ordinance by each municipality that is either a member of the Municipal Radio System or which is protected by Police of a municipality which is a member of the Municipal Radio System. (R.O. 2006 §213.010; Ord. 124, Bill 351 §§1—2)

SECTION 213.020: POLICE OFFICERS RESPONSIBILITIES AND DUTIES

- A. The members of the Police Force of this municipality shall respond to requests for assistance within the boundary limits of any other municipality who is a member of the Municipal Radio System, or who is protected by Police of a City or Village which is a member of the Municipal Radio System, pursuant to the directions and approval of the office of the Chief of Police of said City or Village or by direct dispatch of the Municipal Radio System.
- B. It shall be the duty of the members of the Police Force of this municipality to perform Police services in any municipality which is a party to the Municipal Radio System when requested to do so by the Municipal Radio System or authorized to do so by the Office of the Chief of Police of the Village.
- C. Each Police Officer performing services in any other municipality which is a member of the Municipal Radio System, or in a municipality which is protected by Police of a municipality which is a member of the Municipal Radio System, shall have all of the powers, rights, privileges, duties and immunities as the members of a Police force of the municipalities requesting assistance but shall remain in the employment of their own respective municipalities, but shall be under the direction, supervision and control of the municipality requesting assistance.
- D. There shall be no compensation paid to any participating municipality but services shall be rendered based upon the mutual agreement of the municipalities to render assistance to each other. (R.O. 2006 §213.020; Ord. 124, Bill 351 §§3—6)

SECTION 213.030: RESPONSIBILITY FOR EQUIPMENT AND PROPERTY

Equipment and property utilized in the carrying out of the common Police services provided for by this Chapter shall be at the risk of the municipality owning the same and any loss or damage thereto shall be borne by such municipality; provided, nothing herein contained shall be construed to limit the liability of any municipality or its agents, servants or employees arising out of tortious conduct. (R.O. 2006 §213.030; Ord. 124, Bill 351 §7)

SECTION 213.040: OFFICERS TO BE COVERED BY WORKERS' COMPENSATION

Nothing herein contained shall be construed to mean that any Police Officer of another municipality who is injured, killed or who dies from injuries sustained while performing services in this municipality shall be covered under Workers' Compensation insurance of this municipality or under injury or death benefit from this municipality. Nor shall anything herein contained be construed to mean that Police Officers of this municipality who may be injured or killed or die as a result of injury while serving another municipality which is a member of the Municipal Radio System, or who is protected by Police of a municipality which is a member of the Municipal Radio System, or with the approval of the Chief of Police of said municipality, shall not be covered by Workers' Compensation insurance provided by this Village, or shall not be entitled to other injury or death benefits provided for by this municipality. (R.O. 2006 §213.040; Ord. 124, Bill 351 §8)

CHAPTER 215: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 215.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.

BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term "*commercial film and photographic print processor*" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

CONFINEMENT:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders his/her release;
 - b. He/she is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. He/she is on probation or parole, temporary or otherwise; or
 - b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., and child kidnapping.

DANGEROUS INSTRUMENT: Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged or a switchblade knife, dagger, billy, blackjack or metal knuckles.

FELONY: Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION: Means either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of himself/herself or another person.

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "incapacitated" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act after consenting to the act.

INFRACTION: Has the meaning specified in Section 556.021, RSMo.

INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.

KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.

OFFENSE: Any felony, misdemeanor or infraction.

PHYSICAL INJURY: Physical pain, illness, or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of an offense be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.

RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. "*Serious emotional injury*" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.

ARTICLE II. OFFENSES AGAINST THE PERSON**SECTION 215.010: ASSAULT**

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 215.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.020: ASSAULT OF A LAW ENFORCEMENT OFFICER

- A. A person commits the offense of assault of a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer;
 2. Such person purposely places a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer in apprehension of immediate physical injury;
 3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer without the consent of the Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer.
- B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16) and (17) of Section 190.100, RSMo.

SECTION 215.025: CONSENT AS A DEFENSE

- A. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:
1. The physical injury consented to or threatened by the conduct is not serious physical injury; or
 2. The conduct and the harm are reasonably foreseeable hazards of:
 - a. The victim's occupation or profession; or
 - b. Joint participation in a lawful athletic contest or competitive sport; or
 3. The consent establishes a justification for the conduct under Chapter 563, RSMo.
- B. The defendant shall have the burden of injecting the issue of consent. (R.O. 2006 §218.020; Ord. No. 89-16 §1, 7-17-89)

SECTION 215.030: HARASSMENT

A person commits the offense of harassment if for the purpose of frightening or disturbing another person he/she:

1. Communicates in writing or by telephone a threat to commit any felony;
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

SECTION 215.040: FALSE IMPRISONMENT

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.043: DEFENSES TO FALSE IMPRISONMENT

- A. A person does not commit false imprisonment under Section 215.040 if the person restrained is a child under the age of seventeen (17) and
 - 1. A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or
 - 2. The actor is a relative of the child; and
 - a. The actor's sole purpose is to assume control of the child; and
 - b. The child is not taken out of the State of Missouri.
- B. For the purpose of this Section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.
- C. The defendant shall have the burden of injecting the issue of a defense under this Section. (R.O. 2006 §218.050; Ord. No. 89-16 §1, 7-17-89)

SECTION 215.045: INTERFERENCE WITH CUSTODY

- A. A person commits the offense of interference with custody if, knowing that he/she has no legal right to do so, he/she takes or entices from lawful custody any person entrusted by order of a court to the custody of another person or institution.
- B. Interference with custody is an ordinance violation unless the person taken or enticed away from legal custody is removed from this State, in which case it may not be prosecuted under this Code. (R.O. 2006 §218.060; Ord. No. 89-16 §1, 7-17-89)

SECTION 215.050: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
 - 1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 - 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
 5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

COLLISION: The act of a motor vehicle coming into contact with an object or a person.

INJURY: Physical harm to the body of a person.

MOTOR VEHICLE: Any automobile, truck, truck-tractor, or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.057: STALKING

- A. As used in this Section, the following terms shall mean:

COURSE OF CONDUCT: A pattern of conduct composed of a series of acts, which may include electronic or other communications, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person and may include a threat communicated to the targeted person in writing, including electronic communications, by telephone, or by the posting of a site or message that is accessible via computer.

HARASSES: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

- B. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the offense of stalking.
- C. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the offense of aggravated stalking.
- D. The offense of stalking shall be an ordinance violation for the first (1st) offense.

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 215.060: DEFINITIONS

The following definitions shall apply to this Article:

AFFIDAVIT: Any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths.

GOVERNMENT: Any branch or agency of the government of this State or of any political subdivision thereof.

HIGHWAY: Any public road or thoroughfare for vehicles, including State roads, County roads and public streets, avenues, boulevards, parkways or alleys in any municipality.

JUDICIAL PROCEEDING: Any official proceeding in court, or any proceeding authorized by or held under the supervision of a court.

JUROR: A grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror.

JURY: A grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors.

OFFICIAL PROCEEDING: Any cause, matter or proceeding where the laws of this State require that evidence considered therein be under oath or affirmation.

POLICE ANIMAL: A dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal Police Department, Fire Department, search and rescue unit or agency, whether

the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals.

PUBLIC RECORD: Any document which a public servant is required by law to keep.

TESTIMONY: Any oral statement under oath or affirmation.

VICTIM: Any natural person against whom any offense is deemed to have been perpetrated or attempted.

WITNESS: Any natural person:

1. Having knowledge of the existence or non-existence of facts relating to any offense; or
2. Whose declaration under oath is received as evidence for any purpose; or
3. Who has reported any offense to any Peace Officer or prosecutor; or
4. Who has been served with a subpoena issued under the authority of any court of this State.
(R.O. 2006 §250.010; Ord. 170)

SECTION 215.063: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.065: MISCONDUCT IN ADMINISTRATION OF JUSTICE

- A. A public servant, in his/her public capacity or under color of his/her office or employment, commits the offense of misconduct in administration of justice if:
1. He/she is charged with the custody of any person accused or convicted of any offense of municipal ordinance violation and he/she coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him/her;
 2. He/she knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;

3. He/she is a judge and knowingly accepts plea of guilty from any person charged with a violation of Statute or ordinance at any place other than at the place provided by law for holding court by such judge;
 4. He/she is a jailer or keeper of a County Jail and knowingly refuses to receive, in the jail under his/her charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this State, or on any warrant and commitment or capias on any criminal charge issued by any court of this State;
 5. He/she is a Law Enforcement Officer and violates the provisions of Section 544.170, RSMo., by knowingly:
 - a. Refusing to release any person in custody who is entitled to such release; or
 - b. Refusing to permit a person in custody to see and consult with counsel or other persons; or
 - c. Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that Section; or
 - d. Preferring against any person in custody a false charge for the purpose of avoiding the provisions of that Section.
- B. Misconduct in the administration of justice is an ordinance violation. (R.O. 2006 §250.220; Ord. 170)

SECTION 215.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting an offense he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.073: FALSE AFFIDAVIT

- A. A person commits the offense of making a false affidavit if, with purpose to mislead any person,

he/she, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

- B. A fact is material; regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the course or outcome of the cause, matter or proceeding.
- C. Knowledge of the materiality of the statement is not an element of this offense, and it is no defense that:
 - 1. The defendant mistakenly believed the fact to be immaterial; or
 - 2. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.
- D. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:
 - 1. The falsity of the statement was exposed; or
 - 2. Any person took substantial action in reliance on the statement.
- E. The defendant shall have the burden of injecting the issue of retraction under Subsection (D) of this Section.
- F. Making a false affidavit is an ordinance violation. (R.O. 2006 §250.040; Ord. 170)

SECTION 215.075: FALSE DECLARATIONS

- A. A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his/her duty, he/she:
 - 1. Submits any written false statement, which he/she does not believe to be true
 - a. In an application for any pecuniary benefit or other consideration; or
 - b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or
 - 2. Submits or invites reliance on:
 - a. Any writing which he/she knows to be forged, altered or otherwise lacking in authenticity; or
 - b. Any sample, specimen, map, boundary mark or other object which he/she knows to be false.
- B. The falsity of the statement or the item under Subsection (A) of this Section must be as to fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of Subsections (2) and (3) of Section 575.040, RSMo., shall apply to prosecutions under Subsection (A) of this Section.

- C. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:
 - 1. The falsity of the statement or item was exposed; or
 - 2. The public servant took substantial action in reliance on the statement or item.
- D. The defendant shall have the burden of injecting the issue of retraction under Subsection (C) of this Section.
- E. Making a false declaration is an ordinance violation.
- F. For purposes of this Section, "*written*" shall include filings submitted in an electronic or other format or medium approved or prescribed by the Secretary of State. (R.O. 2006 §250.050; Ord. 170)

SECTION 215.077: PROOF OF FALSITY OF STATEMENTS

No person shall be convicted of a violation of Sections 215.073 or 215.075 based upon the making of a false statement except upon proof of the falsity of the statement by:

- 1. The direct evidence of two (2) witnesses; or
- 2. The direct evidence of one (1) witness together with strongly corroborating circumstances; or
- 3. Demonstrative evidence which conclusively proves the falsity of the statement; or
- 4. A directly contradictory statement by the defendant under oath together with:
 - a. The direct evidence of one (1) witness; or
 - b. Strongly corroborating circumstances; or
- 5. A judicial admission by the defendant that he/she made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he/she made the statement knowing it was false, may constitute strongly corroborating circumstances. (R.O. 2006 §250.060; Ord. 170)

SECTION 215.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

SECTION 215.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

SECTION 215.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM

A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:

1. Threatens or causes harm to any person or property;
2. Uses force, threats or deception;
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
4. Conveys any of the foregoing to another in furtherance of a conspiracy.

B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any offense or a person who is acting on behalf of any such victim from:

1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.105: TAMPERING WITH PHYSICAL EVIDENCE

A person commits the offense of tampering with physical evidence if he/she:

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

SECTION 215.107: TAMPERING WITH A PUBLIC RECORD

- A. A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record:
1. He/she knowingly makes a false entry in or falsely alters any public record; or
 2. Knowing he/she lacks authority to do so, he/she destroys, suppresses or conceals any public record.
- B. Tampering with a public record is an ordinance violation. (R.O. 2006 §250.100; Ord. 170)

SECTION 215.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

SECTION 215.120: FALSE IMPERSONATION

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
 2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.
 3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to

correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

SECTION 215.130: FALSE REPORTS

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in a crime or offense;
 2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

SECTION 215.135: FALSE BOMB REPORT

- A. A person commits the offense of making a false bomb report if he/she knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.
- B. Making a false bomb report is an ordinance violation. (R.O. 2006 §250.080; Ord. 170)

SECTION 215.140: RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any offense, infraction or ordinance violation.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.143: FAILURE TO EXECUTE AN ARREST WARRANT

- A. A Law Enforcement Officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of an offense to escape, he/she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he/she is authorized and required by law to execute.
- B. Failure to execute an arrest warrant is an ordinance violation, unless the offense involved is a felony, in which case it may not be prosecuted under this Code. (R.O. 2006 §250.160; Ord. 170)

SECTION 215.145: FAILURE TO COMPLY WITH ORDER OF A POLICE OFFICER

No person shall fail or refuse to comply with any lawful order or direction of a Police Officer. A person commits the offense of failure to comply with an order or direction of a Police Officer if:

1. He/she fails to comply with the lawful order or request of a Police Officer in the discharge of such officer's official duties where such failure interferes with, obstructs or hinders the officer in the performance of such duties; or
2. He/she fails to give information requested by a Police Officer in the discharge of his/her official duties relating to the identity of such person or gives false information to a Police Officer relating to any matter while such officer is in the discharge of his/her official duties. (R.O. 2006 §250.230; Ord. No. 99-20 §1, 8-26-99)

SECTION 215.147: AIDING ESCAPE OF A PRISONER

- A. A person commits the offense of aiding escape of a prisoner if he/she:

1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein or of facilitating the commission of any other offense; or
 2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.
- B. Aiding escape of a prisoner is an ordinance violation, unless it involves a deadly weapon or dangerous instrument; or the prisoner is being held in custody or confinement, in which case it may not be prosecuted under this Code. (R.O. 2006 §250.190; Ord. 170)

SECTION 215.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.153: SIMULATING LEGAL PROCESS

- A. A person commits the offense of simulating legal process if, with purpose to mislead the recipient and cause them to take action in reliance thereon, he/she delivers or causes to be delivered:
1. A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this State; or
 2. Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.
- B. This Section shall not apply to a subpoena properly issued by a notary public.
- C. Simulating legal process is an ordinance violation. (R.O. 2006 §250.120; Ord. 170)

SECTION 215.155: INTERFERENCE WITH LEGAL PROCESS

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.
- C. Interference with legal process is an ordinance violation.

SECTION 215.157: REFUSING TO MAKE AN EMPLOYEE AVAILABLE FOR SERVICE OF PROCESS

- A. Any employer, or any person who is in charge of a business establishment, commits the offense of refusing to make an employee available for service of process if he/she knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.
- B. Refusing to make an employee available for service of process is an ordinance violation. (R.O. 2006 §250.150; Ord. 170)

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY**SECTION 215.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION 215.170: LITTERING

A person commits the offense of littering if he/she throws or places or causes to be thrown or placed any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this Village or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the Village or on any private real property owned by another without his/her consent.

SECTION 215.180: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

- B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this Village, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 215.190: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the Village or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

SECTION 215.200: ABANDONING MOTOR VEHICLE OR TRAILER

- A. A person commits the offense of abandoning a motor vehicle or trailer if he/she abandons any motor vehicle or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this Section if the motor vehicle or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.
- C. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the motor vehicle or trailer.

Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the timeframe and in the form as described in Subsection (1) of Section 304.156, RSMo.

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 215.210: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

SECTION 215.215: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

SECTION 215.220: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 215.210 and 215.215, the following words shall have the meanings set out herein:

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory interest.

PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

SECTION 215.223: RESERVED

Editor's Note—Ord. no. 09-20 §1, adopted August 27, 2009, repealed section 215.223 "funeral protests prohibited, when—funeral defined" in its entirety.

SECTION 215.225: UNLAWFUL ASSEMBLY

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

SECTION 215.230: RIOTING

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.233: DISORDERLY CONDUCT

Any person who, with intent to provoke a breach of the peace or whereby a breach of peace may be occasioned, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.
2. Acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others or to any lawful assemblage.
3. Congregates with others on a public street and refuses to move on when ordered by the Police.
4. By his/her actions causes a crowd to collect, except when lawfully addressing such crowd.
5. Shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbances of any considerable number of persons.

6. Interferes with any person in any place by jostling against such person or unnecessarily crowding him/her or by placing hand in the proximity of such person's pocket, pocketbook or handbag.
7. Stations himself/herself on the public streets or follows pedestrians for the purpose of soliciting alms or who solicits alms on the public streets unlawfully.
8. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians or annoys such pedestrians.
9. Wanders, prowls or loiters upon the private property of another in the nighttime and peeks or peers in the door or window of any building or structure located thereon which is inhabited by human beings, without any visible or lawful business with the owners or occupants thereof.
10. Knowing the same to be false, circulates or transmits to another or others, with intent that it be acted upon, any statement or rumor, written, printed or by word of mouth, concerning the location of a bomb or other explosive. (R.O. 2006 §223.130; Ord. No. 03-24 §1, 6-26-03)

SECTION 215.235: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

SECTION 215.237: LOUD AND UNNECESSARY NOISE

It shall be unlawful for any person to cause, suffer or maintain any unreasonably loud, disturbing or unnecessary noise by or through the playing of any radio, phonograph, loudspeaker, sound amplifier, musical instrument or other device in such manner or with such volume as to unreasonably annoy or disturb the peace, quiet, comfort or repose of persons located outside the structure, vehicle or premises where the noise is generated; provided, further, that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed unreasonably loud, disturbing and unnecessary. (R.O. 2006 §245.035; Ord. No. 91-1 §2, 2-18-91; Ord. No. 94-13 §1, 5-26-94)

ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS

SECTION 215.240: DEFINITIONS

The following words, when used in this Article, shall have the meanings set out herein:

AIR GUNS: Any rifle, pistol or device designed or which may be used to propel a BB, pellet, projectile or device of any kind by means of expansion of air or gas in the barrel or chamber thereof.

ANTIQUE, CURIO OR RELIC FIREARM: Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11:

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK: Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

CONCEALABLE FIREARM: Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE: To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

EXPLOSIVE WEAPON: Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER: Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN: Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

INTOXICATED: Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE: Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES: Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL: A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN: Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE: Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. (R.O. 2006 §233.010)

SECTION 215.250: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
2. Sets a spring gun;
3. Discharges or shoots a firearm;
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
5. Possesses a firearm or projectile weapon while intoxicated;
6. Openly carries a firearm or any other weapon readily capable of lethal use;

7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (10) of Section 571.030, RSMo., and who carry the identification defined in Subsection (11) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner.
- C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for

the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

- D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

- A. Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:
 - 1. An explosive weapon;
 - 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 - 3. A machine gun;
 - 4. A gas gun;
 - 5. A short-barreled rifle or shotgun;
 - 6. A firearm silencer;
 - 7. A switchblade knife;
 - 8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
 - 9. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
 - 1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in Paragraphs (1), (3) or (5) of Subsection (A) of this Section, it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament or keepsake unless such person is an importer, manufacturer, dealer or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.260: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

SECTION 215.265: POSSESSION OF DEFACED FIREARM, PENALTY

- A. A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.
- B. Defacing a firearm is an ordinance violation. (R.O. 2006 §233.050; Ord. 102, Bill 460, CC §75.360)

SECTION 215.270: UNLAWFUL TRANSFER OF WEAPONS

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.275: POSSESSION OF CONCEALABLE FIREARM UNLAWFUL FOR CERTAIN PERSONS

A person commits the offense of unlawful possession of a concealable firearm if he/she has any concealable firearm in his/her possession and:

1. He/she has pled guilty to or has been convicted of a dangerous felony, as defined in Section 556.061, RSMo., or of any attempt to commit a dangerous felony, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a dangerous felony, or confined therefor in this State or elsewhere during the five (5) year period immediately preceding the date of such possession; or
2. He/she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.280: CARRYING CONCEALED FIREARMS PROHIBITED—PENALTY FOR VIOLATION

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 215.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 215.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession

of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

5. Any meeting of the Board of Trustees, except that nothing in this Subparagraph shall preclude a member of the governing body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he/she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
6. Any building owned, leased or controlled by the Village of Riverview identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the Village of Riverview. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the Village, be subjected to disciplinary measures for violation.
7. Any establishment licensed to dispense intoxicating liquor or non-intoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.
 16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.090 of this Code of Ordinances.

3. Employees of the Village of Riverview may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

SECTION 215.285: DISCHARGING AIR GUN, ETC.

Any person within the limits of this Village who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

SECTION 215.286: "TURKEY SHOOT" AND OTHER CHARITABLE EVENTS

The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the Board of Trustees.

ARTICLE VII. OFFENSES CONCERNING PROPERTY

SECTION 215.290: DEFINITIONS

As used in this Article, the following terms mean:

ADULTERATED: Varying from the standard of composition or quality prescribed by Statute or lawfully promulgated administrative regulations of this State lawfully filed, or if none, as set by commercial usage.

APPROPRIATE: To take, obtain, use, transfer, conceal or retain possession of.

COERCION: A threat, however communicated:

1. To commit any offense; or
2. To inflict physical injury in the future on the person threatened or another; or
3. To accuse any person of an offense; or
4. To expose any person to hatred, contempt or ridicule; or
5. To harm the credit or business repute of any person; or
6. To take or withhold action as a public servant or to cause a public servant to take or withhold action; or

7. To inflict any other harm which would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

CREDIT DEVICE: A writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

DEALER: A person in the business of buying and selling goods.

DEBIT DEVICE: A card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer including, but not limited to, devices that enable electronic transfers of benefits to public assistance recipients.

DECEIT: Purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he/she did not subsequently perform the promise.

DEPRIVE:

1. To withhold property from the owner permanently; or
2. To restore property only upon payment of reward or other compensation; or
3. To use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

ENTER UNLAWFULLY OR REMAIN UNLAWFULLY: A person "enters unlawfully or remains unlawfully" in or upon premises when he/she is not licensed or privileged to do so. A person who, regardless of his/her purpose, enters or remains in or upon the premises which are at the time open to the public does so with license and privilege unless he/she defies a lawful order not to enter or remain, personally communicated to him/her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

FORCIBLY STEALS: A person "forcibly steals", and thereby commits robbery, when, in the course of stealing, as defined in Section 215.360(A), he/she uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.

INHABITABLE STRUCTURE: Includes a ship, trailer, sleeping car, airplane, or other vehicle or structure:

1. Where any person lives or carries on business or other calling; or
2. Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or
3. Which is used for overnight accommodation of persons. Any such vehicle or structure is "inhabitable" regardless of whether a person is actually present.

MISLABELED: Varying from the standard of truth or disclosure in labeling prescribed by Statute or lawfully promulgated administrative regulations of this State lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

NEW AND UNUSED PROPERTY: Tangible personal property that has never been used since its production or manufacture and is in its original unopened package or container if such property was packaged.

OF ANOTHER: Property is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein.

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another".

PROPERTY: Anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include, but not be limited to, the evidence of a debt actually executed or delivered or issued as a valid instrument.

RECEIVING: Acquiring possession, control or title or lending on the security of the property.

SERVICES: Transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

TO TAMPER: To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY: An enterprise which provides gas, electric, steam, water, sewerage disposal or communication services and any common carrier. It may be either publicly or privately owned or operated.

VITAL PUBLIC FACILITY: A facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communication installation or power station.

WRITING: Printing, any other method or recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification. (R.O. 2006 §§230.010, 235.010; Ord. 170)

SECTION 215.295: TAMPERING

A. A person commits the offense of tampering if he/she:

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
3. Tamper or makes connection with property of a utility; or
4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.300: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.302: REMOVAL OF VILLAGE NOTICES PROHIBITED

Any person who knowingly removes any official Village notice affixed to any building or premises in the Village the punishment shall be, upon conviction thereof, a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such violation. (R.O. 2006 §450.010(L))

SECTION 215.305: LOST PROPERTY

- A. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of Section 215.360 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as the true owner.
- B. The defendant shall have the burden of injecting the issue of lost property. (R.O. 2006 §235.050; Ord. No. 170)

SECTION 215.310: CLAIM OF RIGHT

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.

SECTION 215.320: TRESPASS IN THE FIRST DEGREE

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
 - 1. Actual communication to the actor; or
 - 2. Posting in a manner reasonably likely to come to the attention of intruders.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.330: TRESPASS IN THE SECOND DEGREE

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction.

SECTION 215.335: TRESPASS OF A SCHOOL BUS

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

SECTION 215.340: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

SECTION 215.350: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

SECTION 215.360: STEALING

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
 5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.363: THEFT OF CABLE TELEVISION SERVICE, PENALTY

- A. A person commits the offense of theft of cable television service if he/she:
1. Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service by means of artifice, trick, deception or device;
or

2. Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or
 3. Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation therefor; or
 4. Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service is a violation of this Section; or
 5. Knowingly attempts to connect to, tamper with or otherwise interfere with any cable television signal, cables, wires, devices or equipment which is used for the distribution of cable television and which results in the unauthorized use of a cable television system or the disruption of the delivery of the cable television service. Nothing in this Section shall be construed to prohibit, restrict or otherwise limit the purchase, sale or use of any products including, without limitation, hardware, software or other items intended to provide services and features to a customer who has lawfully obtained a connection from a cable company.
- B. Theft of cable television service is an ordinance violation if the value of the service appropriated is less than five hundred dollars (\$500.00); otherwise theft of cable television services is a Class A misdemeanor.
- C. The existence on the property and in the actual possession of the accused of any connection wire or conductor which is connected in such a manner as to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be sufficient to support an inference which the trial court may conclude that the accused has committed the offense of theft of cable television service.
- D. If a cable television company either:
1. Provides unsolicited cable television service; or
 2. Fails to change or disconnect cable television service within ten (10) days after receiving written notice to do so by the customer, the customer may deem such service as a gift without any obligation to the cable television company from ten (10) days after such written notice is received until the service is changed or disconnected.
- E. Nothing in this Section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed television signals for his/her own use.
- F. As used in this Section, the term "*cable television service*" includes microwave television transmission from a multi-point distribution service not capable of reception by conventional television receivers without the use of special equipment. (R.O. 2006 §235.160; Ord. 170)

SECTION 215.365: THEFT OF MOTOR FUEL

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at

which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.

- B. A person found guilty or pleading guilty to stealing pursuant to Section 215.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

SECTION 215.367: DETERMINATION OF VALUE

For the purposes of this Article, the value of property shall be ascertained as follows:

1. Except as otherwise specified in this Section, "value" means the market value of the property at the time and place of the offense, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense. If the victim is a merchant, as defined in Section 400.2-104, RSMo., and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property.
2. Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:
 - a. The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.
 - b. The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.
 - c. When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in Subdivisions (a) and (b) of this Subsection, its value shall be deemed to be an amount less than five hundred dollars (\$500.00). (R.O. 2006 §235.020; Ord. No. 170; Ord. No. 99-1 §1, 1-28-99)

SECTION 215.370: RECEIVING STOLEN PROPERTY

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:

1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.373: AGGREGATION OF AMOUNTS INVOLVED IN STEALING

Amounts stolen pursuant to one (1) scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitute a single criminal episode and may be aggregated in determining the grade of the offense. (R.O. 2006 §235.040; Ord. No. 170)

SECTION 215.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

- A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is an ordinance violation if the value of the property is less than fifty dollars (\$50.00).
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
2. Failure to correct a false impression which the offender previously has created or confirmed.
3. Preventing another person from acquiring information pertinent to the disposition of the property involved.
4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.

5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled;
3. For any other reason his/her use of the device is unauthorized; or
4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.390: DECEPTIVE BUSINESS PRACTICE

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

SECTION 215.393: COMMERCIAL BRIBERY

A. A person commits the offense of commercial bribery:

1. If he/she solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he/she is subject as:
 - a. Agent or employee of another;
 - b. Trustee, guardian or other fiduciary;
 - c. Lawyer, physician, accountant, appraiser or other professional adviser or informant;
 - d. Officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association ; or
 - e. Arbitrator or other purportedly disinterested adjudicator or referee;
2. If as a person who holds himself/herself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, he/she solicits, accepts or agrees to accept any benefit to influence his/her selection, appraisal or criticism.
3. If he/she confers or offers or agrees to confer any benefit the acceptance of which would be criminal under Subdivisions (1) and (2) of this Subsection.

B. Commercial bribery is an ordinance violation. (R.O. 2006 §235.140; Ord. 170)

SECTION 215.395: FALSE ADVERTISING

A. A person commits the offense of false advertising if, in connection with the promotion of the sale

of, or to increase the consumption of, property or services, he/she recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

B. False advertising is an ordinance violation. (R.O. 2006 §235.150; Ord. 170)

SECTION 215.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY—ENFORCEMENT PROCEDURE—PENALTY—VENUE

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's

place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 215.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.415: ISSUING A FALSE INSTRUMENT OR CERTIFICATE

- A. A person commits the offense of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded or being authorized by law to make or issue official certificates or other written instruments, he/she issues such an instrument or certificate or makes the same with the purpose that it be issued, knowing:
 - 1. That it contains a false statement or false information; or
 - 2. That it is wholly or partly blank.
- B. Issuing a false instrument or certificate is an ordinance violation. (R.O. 2006 §235.090; Ord. 170)

SECTION 215.420: PASSING BAD CHECKS

A. A person commits the offense of passing a bad check when:

1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.425: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—LIABILITY PRESUMPTION

A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a

mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

ARTICLE VIII. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 215.430: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROMOTING PROSTITUTION: A person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, he/she knowingly

1. Causes or aids a person to commit or engage in prostitution; or
2. Procures or solicits patrons for prostitution; or
3. Provides persons or premises for prostitution purposes; or
4. Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he/she participates or is to participate in proceeds of prostitution activity; or

6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Money or property or any token, object or article exchangeable for money or property.

SECTION 215.440: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.450: PATRONIZING PROSTITUTION

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.460: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION 215.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The Village Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

ARTICLE IX. SEXUAL OFFENSES**SECTION 215.470: ARTICLE DEFINITIONS**

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE: Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL CONDUCT: Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT: Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

SECTION 215.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or

3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person.

SECTION 215.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.485: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION— PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The 1st Degree; Subsection (2) of Section 568.080; RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.
- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

SECTION 215.487: TREATMENT AND REHABILITATION PROGRAM FOR PERPETRATORS OF SEXUAL OFFENSES—WHEN

Any person who has pleaded guilty to or been found guilty of violating the provisions of this Chapter and is granted a suspended imposition or execution of sentence or placed under the supervision of

a probation authority shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offense. Persons required to attend a program pursuant to this Section may be charged a reasonable fee to cover the costs of such program. (R.O. 2006 §220.070; Ord. 170)

ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY

SECTION 215.490: DEFINITIONS

When used in this Article, the following terms shall have the meanings set out herein:

CHILD PORNOGRAPHY:

1. Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance, as these terms are defined in Section 556.061, RSMo., and which has as one (1) of its participants or portrays as an observer of such conduct, contact or performance a minor under the age of eighteen (18); or
2. Any visual depiction, including any photograph, film, video, picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct where:
 - a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - b. Such visual depiction is a digital image, computer image or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
 - c. Such visual depiction has been created, adapted or modified to show that an identifiable minor is engaging in sexually explicit conduct.

DISPLAYS PUBLICLY: Exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk or from the property of others or from any portion of the person's store or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public.

EXPLICIT SEXUAL MATERIAL: Any pictorial or three-dimension material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse or emphasizing the depiction of post-pubertal human genitals. Provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or

any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates, stored computer data or other latent representational objects.

MINOR: Any person under the age of eighteen (18).

NUDITY: The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification or sadomasochistic abuse.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

WHOLESALE PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate or to offer or agree to do the same for purposes of resale or redistribution. (Ord. 170)

SECTION 215.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.505: POSSESSION OF CHILD PORNOGRAPHY

- A. A person commits the offense of possession of child pornography if, knowing of its content and character, such person possesses any obscene material that has a child as one (1) of its participants or portrays what appears to be a child as an observer or participant of sexual conduct.
- B. Possession of child pornography is a Class D felony unless the person has pleaded guilty to or has been found guilty of an offense under this Section, in which case it is a class C felony. (R.O. 2006 §240.030; Ord. 170)

SECTION 215.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;

2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

SECTION 215.515: EVIDENCE IN OBSCENITY AND CHILD PORNOGRAPHY CASES

A. In any prosecution under this Chapter evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
2. The literary, artistic, political or scientific value of the material or performance;
3. The degree of public acceptance in this State and in the local community;
4. The appeal to prurient interest in advertising or other promotion of the material or performance;
5. The purpose of the author, creator, promoter, furnisher or publisher of the material performance.

B. Testimony of the author, creator, promoter, furnisher or publisher, or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

C. In any prosecution for possession of child pornography or promoting child pornography in the second degree, the determination that the person who participated in the child pornography was younger than eighteen (18) years of age may be made as set forth in Section 568.100, RSMo., or reasonable inferences drawn by a judge or jury after viewing the alleged pornographic material shall constitute sufficient evidence of the child's age to support conviction.

D. In any prosecution for promoting child pornography in the second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole. (R.O. 2006 §240.050; Ord. 170)

SECTION 215.517: PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL

A. A person commits the offense of public display of explicit sexual material if he/she knowingly:

1. Displays publicly explicit sexual material; or
2. Fails to take prompt action to remove such a display from property in his/her possession after learning of its existence.

- B. Public display of explicit sexual material is an ordinance violation unless the person has pleaded guilty to or has been found guilty of an offense under this Section committed at a different time, in which case it may not be prosecuted under this Code.
- C. For purposes of this Section, each day there is a violation of this Section shall constitute a separate offense. (R.O. 2006 §240.060; Ord. 170)

ARTICLE XI. OFFENSES CONCERNING DRUGS

SECTION 215.520: POSSESSION OF MARIJUANA

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.523: MARIJUANA GROWING, POSSESSION

It shall be unlawful for any person or any officer or employee of any firm, corporation or association to plant, cultivate, protect, harvest, cure, prepare, barter, sell, give away or use or offer to sell, furnish or give away or to have in his/her or their possession marijuana, botanically known as cannabis sativa, cannabis indica, commonly called Indian hemp, Mexican hemp, marijuana, muggles motor, or any drug or preparation made from any species or variety of the botanical genus, cannabis or any compound derivative or preparation of the above mentioned plant, including hashish, or prepare or supply for effusion or concoction of cannabis. Upon conviction said person will be deemed guilty of an ordinance violation. (R.O. 2006 §223.020; Ord. 102, Bill 249, CC §75.590)

SECTION 215.525: MARIJUANA, HASHISH OR OPIUM SMOKING OR PERMITTING ON PREMISES

If any person shall set up or establish or cause to be set up or established in any house, room, outhouse, tent, booth, arbor or other places whatsoever any apparatus or device or instrument whereby opium, marijuana or hashish or other deadly drug may be smoked or used in any manner whatsoever by other persons; or if any person shall procure, permit, suffer or allow persons to collect or assemble in his/her house, booth, tent, arbor or other places whatsoever under his/her control for the purposes of smoking opium, marijuana or hashish or any other deadly drug, said person shall be deemed guilty of an ordinance violation. (R.O. 2006 §223.030; Ord. 102, Bill 249, CC §75.600)

SECTION 215.527: DRUG PARAPHERNALIA

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

CONTROLLED SUBSTANCE: A drug, substance or immediate precursor in Schedules I through V, listed or enumerated in Section 195.005 to 195.415, RSMo., or adopted by the State Division of Health pursuant thereto or any subsequent amendments or revisions thereof.

DRUG PARAPHERNALIA: Includes all equipment, products, substances and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this Section. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or imitation controlled substances.
3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance or imitation controlled substances.
4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances.
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances or imitation controlled substances.
6. Dilutants and adulterant, such as quinine hydrochloride mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or imitation controlled substances.
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances or imitation controlled substances.
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or imitation controlled substances.
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or imitation controlled substances.
11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body.
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.

- c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes.
 - k. Chillum.
 - l. Bongs.
 - m. Ice pipes or chillers.
13. Substances used, intended for use, or designed for use in the manufacture of a controlled substance.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- 1. Statements by an owner or by anyone in control of the object, product, substance or material concerning its use.
- 2. Prior convictions, if any, of an owner or of anyone in control of the object under the State or Federal law relating to any controlled substance or imitation controlled substance.
- 3. The proximity of the object, in time and space, to a direct violation of this Section.
- 4. The proximity of the object to controlled substances or imitation controlled substances.
- 5. The existence of any residue of controlled substances or imitation controlled substances on the object.
- 6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he/she knows, or should reasonable know, intend to use the object to facilitate a violation of this Section; the innocence of an owner or of anyone in control of the object as to a direct violation of this Section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- 7. Instructions, oral or written, provided with the object concerning its use.

8. Descriptive materials accompanying the object which explain or depict its use.
9. National or local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning its use.
15. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material.

MARIJUANA: All parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to, *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis* and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

- B. **Possession, Manufacture, Delivery, Sale And Advertising Drug Paraphernalia Unlawful.** No person shall use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise, introduce into the human body a controlled substance or imitation controlled substance. No person shall deliver, possess with intent to deliver or manufacture with intent to deliver or sell drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance. No person shall place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (R.O. 2006 §223.035; Ord. No. 04-06 §§1—2, 3-25-04)

SECTION 215.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.535: LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of an ordinance violation.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

SECTION 215.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 215.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

SECTION 215.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria,

dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.

- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 215.550 and this Section.

SECTION 215.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 215.550 TO 215.560—PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 215.550 and 215.560 hereof.
- B. Any person who violates any provision of Sections 215.550—215.570 is guilty of an ordinance violation.

ARTICLE XII. OFFENSES CONCERNING MINORS

SECTION 215.580: ARTICLE DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

CONSENT: Actual authorization by a parent or legal guardian or is silent acquiescence by a parent or legal guardian having knowledge.

EMANCIPATED MINOR: One whose parent or legal guardian has renounced his/her right to the care, custody and earnings of said person.

GUARDIAN: Guardian appointed by court of competent jurisdiction.

KNOWLEDGE: Need not be actual knowledge of the exact location of the minor in question, rather it may be imputed from the knowledge that the minor is not at home, that the minor has an ultimate destination, and that the minor may make a diversionary trip on his/her way to or from the ultimate destination.

MINOR: Anyone under the age of seventeen (17) years. It does not include anyone under the age of seventeen (17) years who is legally married. An "emancipated minor" is not included in the term "minor".

PARENT: The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

PUBLIC PLACE: Any bar, bowling alley, cafe, drive-in restaurant, drive-in theater, drug store, grocery store, hamburger stand, hotel, ice cream parlor, lobby, parking lot, pool room, restaurant, saloon, shopping center, supermarket, theater, or any place dedicated to amusement and entertainment, to which the public is invited, whether enclosed or out of doors, and which includes any accompanying parking lot or pedestrian walkway or any appurtenance thereto which is used by the public. (R.O. 2006 §260.010; Ord. 102, CC §77.010)

SECTION 215.585: CONSENT OF PARENT REQUIRED

No minor shall be present in or on any public street, park, square or any public place within the Village between the hours of 11:55 P.M. and 6:00 A.M. on Friday and Saturday nights, 10:55 P.M. and 6:00 A.M. on all other nights without the knowledge and consent of a parent or legal guardian having the care and custody of said minor. (R.O. 2006 §260.020; Ord. 102, CC §77.020)

SECTION 215.587: POLICE AUTHORIZED TO STOP MINORS

It shall be the duty of the Police Department of this Village to require identification from any person who loiters, idly remains, congregates, tarries or stays on public street, park, square or any public place within the Village during the prescribed hours and whose actions, appearance, demeanor or other fact within the knowledge of the Police Officer give rise to reasonable belief that the person stopped is a minor. Such identification shall include the person's name, age, home address, phone number and if the person's home address is outside of this Village, the address within the Village at which he/she is staying (if any).

1. Should the person stopped and questioned not be a minor, he/she shall be allowed to proceed freely with no record made of the inquiry.
2. Should the person stopped and questioned be a minor, the Police Officer shall inquire of him/her whether the parent or legal guardian having care and custody of such minor has knowledge of and has given consent to the presence of said minor in or on the public street, park, square or public place involved. (R.O. 2006 §260.030; Ord. 102, CC §77.030)

SECTION 215.590: PROCEDURE IF NO PARENTAL CONSENT

A response by the minor that a parent or legal guardian neither has knowledge nor has given consent to his/her presence in or on the public street, park, square or public place in question shall constitute grounds for the officer to escort the minor in question to the address given, to inform the parent or legal guardian of the actions of the minor in question, and to inform the parent or legal guardian that he/she may be held responsible for the delinquency of the minor under Section 215.595 of this Chapter, should the minor later be brought before any court of this Village or State for delinquency or youthful offender proceedings. Should no parent or legal guardian be found at the address given, the procedure described in Section 215.600 shall be followed. (R.O. 2006 §260.040; Ord. 102, CC §77.040)

SECTION 215.593: CLAIM OF KNOWLEDGE AND CONSENT

- A. A response by the minor that a parent or legal guardian has knowledge of and/or has given consent

to his/her presence in or on the public streets, parks, squares or public place in question shall constitute grounds to call the parent or legal guardian of the minor, at the phone number given, or at the phone number registered and listed with the phone company, for a corroborating statement by the parent or legal guardian.

- B. Should the parent not corroborate the statement of the minor, or should no parent or legal guardian answer the phone, the Police Officer shall escort the minor home and shall follow the procedure outlined in Section 215.590.
- C. Should the parent or legal guardian answering the phone corroborate the statement of the minor in question, the Police Officer shall inform the parent or legal guardian that continuous presence of a minor in or on the public streets, parks, squares or other public places during the proscribed hours may constitute lack of proper supervision and care by the parent or legal guardian of said minor and may be considered evidence in proceedings for aiding in the delinquency of a minor as proscribed in Section 215.595. The Police Officer shall then allow the child to continue on his/her way or shall escort the child home, as desired by the parent or legal guardian. (R.O. 2006 §260.050; Ord. 102, CC §77.050)

SECTION 215.595: PARENTAL NEGLECT

- A. *Definitions.* For the purpose of this Section, the following words and phrases are defined as follows:

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri, or the ordinances of the Village of Riverview including, but not limited to, moving traffic violations, juvenile delinquency, vandalism and malicious mischief.

MINOR: An unemancipated person seventeen (17) years of age or less.

PARENT: Mother, father, legal guardian or any person having the care or custody of a minor.

- B. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act as defined herein or engage in any conduct which would be injurious to the minor's morals or health.
- C. No parent shall fail to exercise care, vigilance, discipline or control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act or contribute to, cause or tend to cause to be involved in a dangerous situation.
- D. Any person who shall violate this Section shall be found guilty of parental neglect and shall be punished as provided in Section 100.090. In addition, the Court may, as a condition of any probation granted to any person found guilty of violating this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed four thousand dollars (\$4,000.00). (R.O. 2006 §260.070; Ord. 102, CC §77.070; Ord. No. 97-19 §1, 7-24-97)

SECTION 215.600: IF MINOR IS NON-RESIDENT

- A. Should the minor identify himself/herself as a non-resident of the Village, the Police Officer shall check to see if the minor has been found present in or on a public street, park, square or other public place within the previous three (3) months.

- B. If there is no record of the minor being found present in or on a public street, park, square or other public place within the previous three (3) months, the Police Officer shall inform the minor in question of this Chapter and shall escort him/her to the place within the municipal jurisdiction of the Village at which he/she is staying. If the minor is a transient who intends to leave the Village before the next morning, the minor shall be detained and the parent or legal guardian of that minor shall be informed that the minor will be detained if desired until the parent or legal guardian, or the designee of the parent or legal guardian, arrives to claim said minor. If the parent or legal guardian of the transient minor so requests, the Police Officer shall release the minor and escort him/her out of the corporate limits of this Village.
- C. If the non-resident minor has been found present in or on a public street, park, square or other public place within the previous three (3) months, the officer shall follow the procedure for transient minors as found in Subsection (A) of this Section, except that the minor shall not be released until claimed by a parent or legal guardian or the designee of the parent or legal guardian. (R.O. 2006 §260.060; Ord. 102, CC §77.060)

ARTICLE XIII. OFFENSES CONCERNING TOBACCO

SECTION 215.610: DEFINITIONS

For purposes of this Article, the following definitions shall apply:

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

SECTION 215.620: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS—VENDING MACHINE REQUIREMENTS

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.

- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (E) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 215.650 of this Article shall be penalized as follows:
1. For the first (1st) offense, twenty-five dollars (\$25.00);
 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or

2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 215.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

SECTION 215.630: MINORS PROHIBITED FROM PURCHASE OR POSSESSION OF TOBACCO—MISREPRESENTATION OF AGE

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

SECTION 215.640: RETAIL SALES TAX LICENSE REQUIRED FOR SALE OF TOBACCO PRODUCTS

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

SECTION 215.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED WHERE

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and
2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

SECTION 215.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

SECTION 215.670: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF—LIABILITY

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 215.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 215.620 on any single day.

SECTION 215.675: SMOKING IN PUBLIC BUILDINGS PROHIBITED—PENALTY

- A. It shall be unlawful for any person to smoke any cigarette, cigar, pipe or tobacco in any other form or configuration or to possess any burning tobacco in any form within the interior of any building or portion thereof owned by or leased to the Village of Riverview and used for Village purposes.
- B. Any person found guilty of violating this Section shall be punished by a fine not to exceed fifty dollars (\$50.00) for each violation. (R.O. 2006 §223.100; Ord. No. 93-2 §1, 2-15-93)

ARTICLE XIV. PARK REGULATIONS

SECTION 215.680: VILLAGE PARKS

Village parks shall be open to the public from dawn until dusk unless otherwise designated by the Department of Public Works. It shall be unlawful for anyone to use a Village park at any other time for any purpose. (R.O. 2006 §223.120; Ord. No. 98-10 §1, 5-28-98; Ord. No. 10-18 §1, 12-23-10)

SECTION 215.685: REGULATIONS FOR THE USE OF BRAD L. SCHULTZ, JR. MEMORIAL PARK

- A. Brad L. Schultz, Jr. Memorial Park shall be open for public use during the period from sunrise to sunset unless posted otherwise. Use of the park at times other than those specified is prohibited, unless so approved by the Village in advance.
- B. Use of the playground equipment in Brad L. Schultz, Jr. Memorial Park is limited to those between the ages of five (5) and twelve (12) years old. (R.O. 2006 §223.123; Ord. No. 2005-12 §1, 6-23-05; Ord. No. 10-18 §1, 12-23-10)

SECTION 215.690: USAGE FEE FOR USE OF VILLAGE PARKS

- A. Any resident desiring to use any Village park is required to pay a fifty dollar (\$50.00) security deposit. If, in the sole discretion of the Village, the park is in acceptable condition following the resident's use of the park, twenty-five dollars (\$25.00) of the security deposit shall be refunded.
- B. Any non-resident desiring to use any Village park is required to pay a one hundred fifty dollar (\$150.00) security deposit. If, in the sole discretion of the Village, the park is in acceptable condition following the non-resident's use of the park, fifty dollars (\$50.00) of the security deposit shall be refunded. (R.O. 2006 §223.125; Ord. No. 03-33 §§1—3, 9-25-03; Ord. No. 10-18 §1, 12-23-10)

ARTICLE XV. MISCELLANEOUS OFFENSES**SECTION 215.700: MOVING INTO OR OUT OF BUILDINGS AFTER DARK**

It shall be unlawful for any person, firm or corporation to move furniture, appliances, fixtures or furnishings into or out of any business, commercial establishment or residence prior to sunrise or after sunset. (R.O. 2006 §223.110; Ord. No. 94-09 §1, 4-28-94)

SECTION 215.710: FIREWORKS—SALE PROHIBITED

It shall be unlawful for any person, firm or corporation within the Village of Riverview to sell, offer for sale, expose for sale, use, discharge or explode any blank cartridge, toy pistol, toy cannon or cane in which explosives are used; or the type of balloon which requires fire underneath to propel the same; or firecrackers, torpedoes, skyrockets, Roman candles, aerial salutes, bombs, electric sparklers, colored fires or colored torches or displays, or other consumer fireworks of any kind whatsoever. "*Consumer fireworks*" is defined as explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation. (R.O. 2006 §223.040; Ord. 102, CC §66.010)

SECTION 215.715: FIREWORKS—DISPLAYS BY CIVIC ORGANIZATION

Nothing contained in Section 215.710 shall prohibit the sale or use of fireworks for pyrotechnic displays given by any fair association, amusement park, the officials in charge of any public park, any civic or public organization or group of individuals having first obtained a permit from the Chairman of the Board of Trustees for such displays; or prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes in athletic contests or sport events, or for the use of militia, Police or military organizations; or prohibit any resident wholesaler, dealer or jobber from selling fireworks at wholesale, provided the same are shipped or delivered directly outside of the limits of the Village. (R.O. 2006 §223.050; Ord. 102, CC §66.020)

SECTION 215.720: FIREWORKS PERMIT TO BE ISSUED—WHEN

The Chairman of the Board of Trustees is hereby authorized to issue permits for pyrotechnic displays to fair associations, amusement parks, or officials in charge of public parks, and civic or public organizations or groups of individuals, provided that no such permit shall be issued except upon an application therefor, and provided further that the Chairman of the Board of Trustees is satisfied that the public safety will not be endangered by such display. (R.O. 2006 §223.060; Ord. 102, CC §66.030)

SECTION 215.730: BURNING PROHIBITED

No person shall burn refuse or litter anyplace within the corporate limits of the Village. (R.O. 2006 §280.040; Ord. 102, CC §64.040)

CHAPTER 217: ABANDONED PROPERTY

Cross References—As to maximum charges for towing and storage, §390.050; as to sale of abandoned property by village, §390.060; as to crime inquiry and inspection reports required by State law, §390.040.

SECTION 217.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

PERSON: Any natural person, corporation or other legal entity.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property. (Ord. No. 08-48 §1, 10-23-08)

State Law Reference—For similar provisions, §304.001, RSMo.

SECTION 217.020: ABANDONED VEHICLES OR TRAILERS PROHIBITED

No person shall abandon any motor vehicle or trailer on any private real property owned by another without his/her consent. (Ord. No. 08-48 §1, 10-23-08)

State Law Reference—For similar provisions, §577.080, RSMo.

SECTION 217.030: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the Village to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fence area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances. (Ord. No. 08-48 §1, 10-23-08)

State Law Reference—For similar provisions, §304.159, RSMo.

SECTION 217.040: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

- A. *Generally.* The Village, including the Village Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The Village shall perform such tow pursuant to the terms of Section 217.050. When a Village agency other than the Police Department authorizes a tow in accordance with this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By Village Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any Village Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
 2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
 - b. *Unattended or on owner-occupied residential property.* The abandoned property is left unattended or on owner-occupied residential property with four (4) residential units or less and the owner, lessee, or agent of the real property in lawful possession has notified the Village Police Department and ten (10) hours have elapsed since that notification.
 - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the Village Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a Village Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the legal form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
 - a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
 - b. A description of any damage to the abandoned property noted by the owner, lessee or property or security manager in possession of the real property;
 - c. The license plate or registration number and the State of issuance, if available;
 - d. The physical location of the property and the reason for requesting the property to be towed;
 - e. The date the report is completed;
 - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
 - g. The towing company's name and address;
 - h. The signature of the towing operator;
 - i. The signature of the owner, lessee or property manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief, and that the person is subject to the penalties for making false statements;
 - j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
 - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the Village Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the Village Police Department. The copy may be produced and sent by a facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the Village Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The Village Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to

the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The Village Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue. (RSMo. 2004)
6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
 - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
 1. Except for the removal of abandoned property authorized by the Village Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
 2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire land designated by the Fire Department or the State Fire Marshal.

- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences the removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section. (Ord. No. 08-48 §1, 10-23-08)

State law Reference—For similar provisions, §§304.157.1-2, 304.157.4-9, 304.158.2-4, 304.158.8-9, RSMo. (2004)

SECTION 217.050: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 390.050.
- B. *Crime Inquiry And Inspection Report.* As to crime inquiry and inspection reports required by State law, see Chapter 390 of this Code, Section 390.040.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the Village Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The Village Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;

5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of The Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal, or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage, if available, shown on the abandoned property at the time of the removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City, and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and the name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to this Section. (Ord. No. 08-48 §1, 10-23-08)

State Law References—For similar provisions, §§304.155.5-6 (2004), 304.155.11-12 (2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

CHAPTER 220: NUISANCES

Cross References—As to dangerous buildings as a nuisance, ch. 505; as to prostitution houses deemed a nuisance, §215.465.

ARTICLE I. GENERALLY

SECTION 220.010: NUISANCES AFFECTING HEALTH

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Dead trees or any parts thereof on any lot, including any easements thereon and abutting rights-of-way.
6. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
7. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
8. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
9. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
10. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
11. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the Village of Riverview.
12. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.

13. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
 14. The keeping of animals and fowls in any area within the Village not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
 15. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the Village of Riverview and the Statutes of the State of Missouri.
 16. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
 17. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the Village of Riverview.
- B. *Unlawful To Cause, Maintain Within Village Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the Village of Riverview or within one-half (½) mile of the corporate limits of the Village of Riverview, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense.
- C. *Abatement Generally.*
1. *Abatement of nuisance—abatement officer.* Whenever the Abatement Officer for the Village shall ascertain or have knowledge that a nuisance exists on any premises in the Village, he/she shall, by written notice, notify the persons occupying or having possession of said premises to abate or remove such nuisance within the time to be specified in such notice, not less than fifteen (15) days. Failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay shall be deemed an ordinance violation.
 2. *Notice.* The Abatement Officer shall determine all individuals, firms or corporations who, from the records in the Recorder of Deeds office, appear to be the titled owners of the aforesaid property and immediately cause a written notice to be served on each such individual, firm or corporation by one (1) of the following methods:
 - a. The delivery of a true copy of the notice to the person(s) intended to be notified or the leaving of a copy at his/her usual place of abode with some member of his/her family over the age of fifteen (15) years.
 - b. Mailing a copy to such person at such place or address by United States certified mail return receipt.

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- c. If service of such written notice is unable to be perfected by any of the methods described above, the Abatement Officer shall direct the Village Clerk to cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the County where the Village is located, once a week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Abatement Officer shall cause a copy of the notice to be posted at such structure, location or premises. The Abatement Officer may also determine from the Recorder of Deeds office who the lien holder of the property, if any, as documented therein, is and cause a written notice to be served on such lien holder by United States mail return receipt.
 - d. The aforesaid notice to the owners and lien holder, if any, of the property shall state clearly and concisely:
 - (1) The street address or legal description of the property;
 - (2) A description of the condition or conditions alleged to constitute a public nuisance.
 3. *Summary abatement.* Whenever it becomes necessary to abate a nuisance immediately in order to secure the general health, welfare or safety of the Village or any of its inhabitants, the Village is authorized to abate such nuisance without notice and may use any suitable means or assistance for that purpose, whether by employees of the Village or laborers especially employed for that purpose, or any other help or assistance necessary therefor.
 4. *Municipal court may order abatement—cost of abatement by the Village, how paid.* If, upon a trial for the failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice as provided in this Section and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating this Section, make an order directing the Abatement Officer to abate such nuisance forthwith and immediately report the expenses thereof to the Village Clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the ~~city collector~~ ^{Village Collector} or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. ✓
 5. *Right of entry.* Any person or contractor employed or contracted with for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose into and upon any premises and it shall be unlawful to interfere with any Police Officer, Abatement Officer or any officer, agent or employee of the Village or with any representative of the Village engaged in the abatement of any nuisance pursuant to an order of the Municipal Judge or any summary abatement as described above.
 6. *Remand and hearing.* In case the Municipal Judge shall determine that abatement of any alleged nuisance is not immediately necessary for the protection of the health of the inhabitants

of the Village, he/she may instead of entering a finding remand the matter to the Board of Trustees and the Village shall hold a hearing before declaring the same to be a nuisance and ordering its abatement. At least fifteen (15) days' notice of such hearing shall be given to the owner or occupant of the premises upon which such alleged nuisance exists or to his/her agent or to the person causing or maintaining such alleged nuisance, which notice shall state the time and place of such hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If, upon such hearing, the Board of Trustees finds that a nuisance exists, it shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance, to abate the same and if the same be not abated within the time prescribed by the Board of Trustees in such order, the matter may again be presented for prosecution before the Municipal Court for determination.

7. *Court suit authorized.* Nothing in this Section shall be construed as abandoning or limiting the Village's right to bring suit for all expenses attending the abatement of a nuisance, when performed by the Village, in any court of competent jurisdiction in the name of the Village against the person maintaining, keeping, creating or refusing to abate the nuisance so abated.

SECTION 220.015: WHO LIABLE FOR VIOLATION

For the purpose of this Chapter, the person responsible for the condition of any premises is the person using or occupying the premises, the person who, by law, is entitled to the immediate possession of the same; or, in case the premises are used or occupied by two (2) or more tenants of a common landlord, or form grounds appurtenant to a house occupied by two (2) or more tenants of a common landlord, then the landlord; each tenant, however, is responsible for that part of the premises which he/she occupies to the exclusion of the other tenants; provided, that in case the premises are occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than a year, or under any lease whereby the lessor is expressly or impliedly obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building or buildings, or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, then, and in such case, the landlord is the person responsible; provided, further, that any person who has caused to exist on any premises of which he/she is not the owner, landlord, occupant or tenant any collection of water in which mosquitoes breed or are likely to breed is responsible, as well as the owner, landlord, tenant or occupant, as the case may be. (R.O. 2006 §275.060; Ord. 102, Bill 422, CC §62.810)

SECTION 220.020: GRAFFITI AND GRAFFITI DEVICES

- A. As used in this Section, the word "*graffiti*" shall mean and refer to any word, phrase, motto, name, design, symbol or picture written, scribbled, painted, drawn, etched or scratched directly onto an exterior surface on public or private property.
- B. No person shall cause graffiti to be placed upon any public or private building, fence, wall, bridge, sidewalk, road, parking area, driveway or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon.
- C. No person under the age of twenty-one (21) years may be in possession of any spray paint or any container thereof nor any permanent or semi-permanent paint pens or similar device while in or

upon any public or private road, sidewalks, parking area, driveway, park or premises unless the minor is accompanied by his or her parent or legal guardian.

- D. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen (18) years of age, in their care and custody, found guilty of causing graffiti to be placed as prohibited in Subsection (B) above shall be liable for the payment of reasonable damages and the cost of removal of such graffiti up to an amount not to exceed two thousand dollars (\$2,000.00), payable to the owner of the property upon which the graffiti was placed, if the parent or guardian has been given written notice of the possible liability provided herein and has been afforded an opportunity to be heard relative to such liability by the judge of the Municipal Court. The liability provided in this Subsection shall not be a bar to any action or proceeding against the unemancipated minor for violation of this Section or for damages not paid by the parent or guardian.
- E. In addition to the abatement provisions of this Chapter, any person found guilty of violating any provision of this Section may, upon conviction, be punished as provided in Section 100.090 of this Code of Ordinances. (R.O. 2006 §265.160; Ord. No. 94-07 §1, 3-24-94)

ARTICLE II. WEEDS AND TRASH

Editor's Note—Ord. no. 10-05 §1, adopted July 22, 2010 repealed art. II "weeds, high grass or other vegetation" sections 220.030—220.035 and enacted new provisions set out herein.

SECTION 220.030: GRASS, WEEDS, UNDERBRUSH AND DEBRIS

It shall be unlawful for any owner, lessee, occupant or any agent, representative or employee of any such owner, lessee or occupant having control of any lot, tract or parcel of land of any property in the Village to permit or maintain on any such lot, tract or parcel of land any growth of weeds to a greater height than eight (8) inches on the average or any accumulation of dead weeds, grass, brush or debris. The term "weeds", as used hereafter in this Article, shall include all grasses, annual plants and vegetation, other than trees or shrubs, provided however, that this term shall not include cultivated flowers and gardens. (Ord. No. 10-05 §1, 7-22-10)

SECTION 220.040: TRASH

It shall be unlawful for any owner, lessee, occupant or any agent, representative or employee of any such owner, lessee or occupant having control of any lot, tract or parcel of land of any property in the Village to permit the accumulation of trash on any such lot, tract or parcel of land. The term "trash" as used hereinafter in this Article shall include dry waste materials, garbage, refuse, debris and rubbish. (Ord. No. 10-05 §1, 7-22-10)

SECTION 220.050: DUTY OF OWNER, LESSEE, OCCUPANT AND AGENT

- A. It shall be the duty of any owner, lessee, occupant or any agent, representative or employee of any such owner, lessee or occupant having control of any lot, tract or parcel of land of any property to cut and remove or cause to be cut or removed all such weeds, grass, vegetation and underbrush as often as may be necessary to comply with the provisions of Section 220.030.

- B. It shall be the duty of any owner, lessee, occupant or agent, representative or employee of any such owner, lessee or occupant having control of any lot, tract or parcel of land of any property to remove or cause to be removed all such trash as often as may be necessary to comply with the provisions of Section 220.040. (Ord. No. 10-05 §1, 7-22-10)

SECTION 220.060: NOTICE AND HEARING

Whenever a violation of Section 220.030 or Section 220.040 exists, the Board of Trustees' designee shall hold a public hearing before declaring the same to be a nuisance and ordering its abatement. The Board of Trustees' designee shall give five (5) days' prior written notice by personal service or by United States mail to the owner or to the owner's agent or by posting such notice on the premises, which notice shall state the time and place of such hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matter at issue. If, upon such hearing, the Board of Trustees' designee finds that a nuisance exists, it shall order the owner, occupant or agent of such property to abate the same within five (5) days. (Ord. No. 10-05 §1, 7-22-10)

SECTION 220.070: ABATEMENT

If the owner of such property fails to remove the nuisance within five (5) days, the Board of Trustees' designee shall cause the condition which constitutes the nuisance to be removed. If the Board of Trustees' designee causes such condition to be removed or abated, the cost of such removal shall be certified to the ~~City~~ ^{Village} Clerk who shall cause a special tax bill therefor against the property to be prepared and collected. The tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 10-05 §1, 7-22-10)

SECTION 220.080: PENALTY

Each person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this Article or who shall fail, neglect or refuse to remove trash as directed in this Article or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Board of Trustees' designee or other agent, representative of the Village in the cutting and removal of weeds, grass and other vegetation or removal of trash shall upon conviction thereof, be guilty of a misdemeanor. The preparation of a tax bill, as authorized by Section 220.070, shall not relieve any person of liability under this Section.

1. Each person convicted of a violation of this Article shall be penalized by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
2. As provided in Section 100.090 of this Code, each day on which a violation of this Article continues shall constitute a separate offense. (Ord. No. 10-05 §1, 7-22-10)

CHAPTER 225: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 225.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

COMMISSION: The Missouri Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*disability*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter.

ARTICLE II. DISCRIMINATORY PRACTICES

SECTION 225.020: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status, or an intention to make any such preference, limitation or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.

6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.

B. For purposes of Sections 225.020, 225.030 and 225.040, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

- (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
 - 1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 - 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

SECTION 225.030: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 225.040: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

SECTION 225.050: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED—EXCEPTIONS

- A. All persons within the Village of Riverview are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.

- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 225.010 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 225.010 and this Section.

SECTION 225.060: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the Village to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 225.070: EXEMPTIONS

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the Village that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 225.020, 225.030 and 225.040:
 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.

3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 225.020, shall apply to:
 1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

CHAPTER 230: EMERGENCY MANAGEMENT

SECTION 230.010: ESTABLISHMENT

There is hereby created within and for the Village of Riverview an emergency management organization to be known as the Riverview Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 230.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Riverview Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

SECTION 230.030: FUNCTIONS

The organization shall perform emergency management functions within the Village of Riverview and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

SECTION 230.040: DIRECTOR

- A. The Director will be appointed by the Board Chairman and shall serve at the pleasure of the Board Chairman.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Board Chairman or Board of Trustees.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Riverview Emergency Management Organization.

SECTION 230.050: SCOPE OF OPERATION

The Village of Riverview in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

SECTION 230.060: MUTUAL-AID AGREEMENTS

The Board Chairman may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo.

SECTION 230.070: VILLAGE MAY ACCEPT SERVICES, ETC.

The Board Chairman of the Village may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

SECTION 230.080: OATH

No person shall be employed or associated in any capacity in the Riverview Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Riverview Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Riverview Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 230.090: OFFICE SPACE

The Board Chairman is authorized to designate space in any Village-owned or leased building for the Riverview Emergency Management Organization.

SECTION 230.100: WARNING SIRENS

Contract Authorized. The Chairman of the Board of Trustees of the Village of Riverview is hereby

authorized to enter into and execute a contract with St. Louis County, Missouri, for the installation and maintenance of warning sirens within said Village. (R.O. 2006 §215.080; Ord. 102, CC §70.500)

SECTION 230.110: PROVISIONS FOR WARNING SIRENS

The contract authorized in Section 230.100 of this Chapter shall provide the following terms and conditions:

1. St. Louis County is authorized to install warning sirens within the municipal boundaries of Village.
2. Installation costs shall be financed through the issuance of St. Louis County General Obligation Bonds for warning sirens and matching funds received from the United States Government. No Village funds shall be obligated for installation costs.
3. The Village shall acquire all of the necessary right-of-way, permanent easements and temporary construction easements for the installation of warning sirens within Village.
4. St. Louis County shall maintain warning sirens installed in the Village at no cost to the Village.
5. The Village shall transfer title to warning sirens owned and operated by the Village. Said sirens shall be maintained by St. Louis County at no cost to the Village. (R.O. 2006 §215.090; Ord. 102, CC §70.510)

SECTION 230.120: EMERGENCY OPERATIONS PLAN ADOPTED

A certain document, copies of which are on file in the offices of the Village Clerk, being marked and designated as "Riverview Emergency Operations Plan", together with certain amendments, revisions, deletions and additions thereto, all as reflected therein, is hereby adopted as the Emergency Operations Code of the Village of Riverview, Missouri, for the control of emergency situations, and each and all of the regulations set out in the Code titles as above are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter. (Ord. No. 08-49 §1, 11-20-08)

CHAPTER 235: SOLID WASTE MANAGEMENT

SECTION 235.010: DEFINITIONS

For the purpose of this Chapter the following terms shall be deemed to have the meaning indicated below:

APPROVED INCINERATOR: An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

COLLECTION: Removal of solid waste from the designated pickup location

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR: The director of the Solid Waste Management Program of the Village or his/her authorized representative.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to forty-five (45) gallons specifically designed for storage of solid waste.

DWELLING UNIT: Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

GARBAGE: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a present or potential threat to the health of humans or other living organisms (Subsection 260.360(9) of the Missouri Hazardous Waste Management Law).

MULTIPLE HOUSING FACILITY: A housing facility containing more than two (2) dwelling units under one (1) roof.

OCCUPANT: Any person who, along or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "Yard Waste" as defined herein.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT SYSTEM: The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

STORAGE: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

VILLAGE: The Village of Riverview, Missouri.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (R.O. 2006 §285.010; Ord. 102, Bill 457, CC §60.010)

SECTION 235.015: ADOPTION OF ST. LOUIS—JEFFERSON SOLID WASTE MANAGEMENT PLAN

The Solid Waste Management Plan as prepared by the St. Louis—Jefferson Solid Waste Management District is hereby adopted by reference and made a part of this Chapter as if set forth fully herein, as the Solid Waste Management Plan of the Village of Riverview. (R.O. 2006 §285.015; Ord. No. 97-04 §4, 2-27-97)

SECTION 235.020: SOLID WASTE STORAGE

- A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the Village, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment and to maintain such solid waste and containers at all times in good repair.

- B. The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in containers of not more than forty-five (45) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed one hundred (100) pounds. Galvanized metal containers or rubber, fiberglass, or plastic containers which do not become brittle in cold weather may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may be also be used for storage or residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Village. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by Section 235.070.
- E. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed one hundred (100) pounds.
- F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, or upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed one hundred (100) pounds.
- G. Solid waste containers which are not approved will be collected together with their contents and disposed of. (R.O. 2006 §285.020; Ord. 102, Bill 457, CC §60.020)

SECTION 235.030: COLLECTION OF SOLID WASTE

- A. The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall provide for the collection of all solid waste in the Village, provided, however that the Village may provide the collection service by contracting with a person, County or other Village or a combination thereof, for the entire Village or portions thereof, as deemed to be in the best interests of the Village.
- B. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the Village to use public property for such purposes. The storage site shall be well-drained, fully accessible to collection equipment, public health personnel, and fire inspection personnel.
- C. Residential solid waste containers shall be stored behind the front building line in some inconspicuous place; provided, that any solid waste container shall be placed at the curb or edge of the road or street in position for collection by the solid waste collection service no earlier than dusk the evening before said collection and no later than 6:00 P.M. the day of said collection.

- D. Solid waste collectors shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with Subsections (C), (D), (E), and (F) of Section 235.020. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector. (R.O. 2006 §285.030; Ord. 102, Bill 457, CC §60.030; Ord. No. 89-26 §1, 11-20-89; Ord. No. 08-39 §§1, 9-25-08)

SECTION 235.040: TRANSPORTATION OF SOLID WASTE

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Chapter. (R.O. 2006 §285.040; Ord. 102, Bill 457, CC §60.040)

SECTION 235.050: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the Village and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder. The Village may designate the processing or disposal facility to be utilized by persons operating under Section 235.060.
- B. The Village may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations. (R.O. 2006 §285.050; Ord. 102, Bill 457, CC §60.050)

SECTION 235.060: PERMITS

- A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Village without first obtaining an annual permit thereof from the Village; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- B. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Village evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more

persons in any single accident, and in the amount of not less than ten thousand dollars (\$10,000.00) for damage to property. Such policy may be written to allow the first one hundred dollars (\$100.00) of liability for damage to property to be deductible. Should any such policy be canceled, the Village shall be notified of such cancellation by the insurance carrier in writing not less than (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

- C. Each applicant for any such permit shall state in his/her application therefor;
1. The nature of the permit desired, as to collect, transport, process or dispose of solid waste or any combination thereof;
 2. The characteristics of solid waste to be collected, transported, processed or disposed;
 3. The number of solid waste transportation vehicles to be operated thereunder;
 4. The precise location or locations of solid waste processing or disposal facilities to be used;
 5. Boundaries of the collection area; and
 6. Such other information as required by the Village.
- D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Village shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of two hundred fifty dollars (\$250.00). If, in the opinion of the Village, modifications can be made to the application regarding service, equipment or mode of operation, so as to bring the application within the intent of this Chapter, the Village shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Village, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application provided that all aspects of the reapplication comply with the provisions of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C). No permits authorized by this Chapter shall be transferable from person to person.
- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Village is authorized to inspect all phases of solid waste management within the Village of Riverview. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Village shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

- H. In all cases, when the corrective measures have not been taken within the time specified, the Village shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- I. In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this Chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the Village such prohibitory or mandatory injunctive relief as the facts may warrant.
- J. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Village may, within thirty (30) days of the act for which redress is sought, appeal directly to the Circuit Court of St. Louis County, in writing, setting forth in a concise statement the act being appealed and the grounds or its reversal.
- K. All motor vehicles operating under any permit required by this Chapter shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than two (2) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility. (R.O. 2006 §285.060; Ord. 102, Bill 457, CC §60.060; Ord. No. 08-40 §1, 9-25-08)

SECTION 235.070: RULES AND REGULATIONS

The Village shall make, amend, revoke and enforce reasonable and necessary rules and regulations, governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers;
2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof;
3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;
4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;
5. Storage of solid waste in solid waste containers;
6. Sanitation, maintenance and replacement of solid waste containers;
7. Schedules of and routes for collection and transportation of solid waste;
8. Collection points of solid waste containers;
9. Collection, transportation, processing and disposal of solid waste;
10. Processing facilities and fees for the use thereof;
11. Disposal facilities and fees for the use thereof;

12. Record of quantity and type of wastes received at processing and/or disposal facilities;
13. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The Village is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the Village Clerk. (R.O. 2006 §285.070; Ord. 102, Bill 457, CC §60.070)

SECTION 235.080: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
2. Fail to have solid waste collected as provided in this Chapter;
3. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the Village or those of a solid waste collection agency operating under contract with the Village;
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the Village and the Missouri Department of Natural Resources;
6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Village, or operate under an expired permit, or operate after a permit has been suspended or revoked;
7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 235.070. (R.O. 2006 §285.080; Ord. 102, Bill 457, CC §60.080)

SECTION 235.090: SERVICE CHARGES

The owner or occupant of any resident or multiple housing facility, commercial, industrial, institutional or agricultural establishment or any other type facility which generates solid waste on the premises shall pay or provide for payment for solid waste collection on or for said premises. (R.O. 2006 §285.090; Ord. 102, Bill 457, CC §60.090; Ord. No. 89-6 §1, 5-15-89)

SECTION 235.100: PENALTIES

Any person violating any of the provisions of this Chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished as set out in Section 100.090 of this Code. (R.O. 2006 §285.100; Ord. 102, Bill 457, CC §60.100)

CHAPTER 240: DOGS, DANGEROUS ANIMALS, DOMESTIC ANIMALS AND FOWL

SECTION 240.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meaning and definitions hereinafter provided:

AFFECTED WITH RABIES: Infected with the rabies virus as determined by standard laboratory testing.

CHICKEN: Female domesticated members of the genus *Gallus gallus* not used for slaughter, which are maintained for private, non-commercial, and non-breeding use

DOG: All animals of the canine species, both male and female.

DOMESTIC ANIMAL OR FOWL: Any animal or fowl trained or adapted to live in a human environment and be of use to humans, but shall include neither dogs nor cats regulated in Chapter 240 of this Code, or common household pets typically and legally sold in pet stores and kept by members of the public at large.

EXPOSED TO RABIES: Having been bitten by, fought or come in contact with an animal shown to be infected with the rabies virus as determined by standard laboratory testing.

RABIES: Shall mean hydrophobia. (R.O. 2006 §290.010; Ord. 102, CC §73.010; Ord. No. 11-17 §1, 7-28-11)

SECTION 240.020: DUTY OF OFFICERS

The Chief of Police shall direct the enforcement of this Chapter and the various other Village Officers shall perform the duties herein specified to be respectively performed by them. (R.O. 2006 §290.020; Ord. 102, CC §73.020)

SECTION 240.030: ANNUAL DOG TAX

An annual tax is hereby imposed upon every resident person who owns, controls, manages, possesses or has any part interested in any dog kept at any time during the year in the Village of Riverview, or who permits a dog to come upon, on or in, and to remain in or about his/her home, place of business or other premises in the Village of Riverview. Said license of three dollars (\$3.00) for each dog to be paid to and collected by the Collector on or before July first (1st) of each year for the succeeding twelve (12) months ending the following June thirtieth (30th). The full license fee shall be paid and collected for part of a year and no such dog shall be kept or permitted to remain without a license. No such license shall be issued until there is presented to the Village Collector a certificate of inoculation that is currently effective on the dog for whom a license is being sought. In order to transition to the new licensing year, licenses in force during calendar year 2001 shall be extended and remain in force until June 30, 2002, after which such licenses shall expire. (R.O. 2006 §290.030; Ord. 102, CC §73.030; Ord. No. 01-22 §1, 6-28-01)

SECTION 240.040: LICENSE AND TAG

Any person or persons who is or are the owner or owners of or has or have in his/her or their possession or custody or control, in whole or in part, any dog, shall secure from the Village Collector a license therefor and keep the same securely fastened by means of a collar or of a harness of substantial make about the neck of the dog. (R.O. 2006 §290.040; Ord. 102, CC §73.040)

SECTION 240.050: LICENSE TAGS

The Village Clerk shall procure annually a sufficient number of metal tags of convenient size and shape, inscribed with the words "Riverview, Mo. Dog Tag" and the figures indicating the year for which such license tag is valid. The said metal license tags shall be numbered consecutively from one (1) upward. (R.O. 2006 §290.050; Ord. 102, CC §73.050)

SECTION 240.060: RESERVED

Editor's Note—Ordinance no. 08-41 §1 adopted September 25, 2008, repealed this section "License Blanks" in its entirety. Former section 240.060 derived from R.O. 2006 §290.060; ord. 102, CC §73.060; and ord. no. 01-22 §2, 6-28-01. This section has been kept reserved for the Village's future use.

SECTION 240.070: LEASH OR MUZZLE REQUIRED

It shall be unlawful for any person or persons owning, controlling, possessing or having the management or care, in whole or in part, of any dog to permit the same to run at large or go off the premises of the owner or keeper thereof, unless such dog is either muzzled, muzzle to be strong and of substantial construction secured by suitable harness, or unless securely tied or led by a line or leash, so as to effectively prevent such dog from biting, molesting, being with or approaching any person or animal. (R.O. 2006 §290.070; Ord. 102, CC §73.070)

SECTION 240.080: DOGS TO BE IMPOUNDED

It shall be the duty of the Chief of Police to take or have taken and impound or have impounded in a suitable place all dogs found within the Village of Riverview without license tags marked as provided for in this Chapter, or which may be found running or being at large, not muzzled, contrary to the provisions of this Chapter, provided, that the work of catching and impounding dogs may, upon approval of the Board of Trustees, be let by contract to St. Louis County or to a private contractor. The Chief of Police, in such cases, shall supervise the performance of such contract. (R.O. 2006 §290.080; Ord. 102, CC §73.080)

SECTION 240.090: IMPOUNDING OF DOGS—REDEMPTION—DISPOSAL OF UNCLAIMED DOGS

- A. The Board of Trustees' designee shall take up and impound in a suitable place, the location of which place shall be given by a notice posted in some conspicuous place in his/her office, all dogs found running at large in the Village without collars around their necks, marked as herein provided, and they shall keep such dogs for a period of one (1) week, and at the expiration of such period shall put such dogs to death by humane methods.

- B. *Unclaimed Dogs—Disposal Of.* Any dog or dogs impounded and not claimed by owner or keeper after one (1) week shall be disposed of in such way or manner as may be directed by the Chief of Police by and with the approval of the Board of Trustees. (R.O. 2006 §290.130; Ord. 102, CC §73.130; Ord. No. 08-42 §1, 9-25-08)

SECTION 240.100: LOST TAG—HOW REPLACED

If the license tag herein provided for shall have been lost, the Village Collector may deliver to the owner or legal possessor of such dog another metal license tag upon payment to the Village Collector of fifty cents (\$0.50). (R.O. 2006 §290.100; Ord. 102, CC §73.100)

SECTION 240.110: DOG QUARANTINED—WHEN

Owners or keepers of a dog or dogs whose animal has bitten a person, or which acts in a suspicious manner suggesting rabies, or is viciously inclined, either outside or within his or her respective family, either on the public street or any private property, shall, upon receipt of written notice from the Chief of Police, impound and quarantine the dog or dogs for a period of ten (10) days for rabies observation; and the dog or dogs so impounded shall be kept in such a manner that neither human beings or animals can be bitten during such period of observation. (R.O. 2006 §290.110; Ord. 102, CC §73.110)

SECTION 240.120: DANGEROUS ANIMALS

- A. *Definitions.* As used in this Section, "*dangerous animals*" is defined to mean:

1. Any animal with the known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
2. Any animal which, without provocation, has attacked or bitten a human being or domestic animal.
3. Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.
4. Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.

- B. *Prohibition—Exceptions.* It shall be unlawful for any person to own, harbor or have the care or custody of a dangerous animal within the corporate limits of the Village, unless said dangerous animal is licensed and registered by the owner with the Village as provided herein and is in strict compliance with the limitations, standards, requirements and conditions set forth in Subsection (F) of this Section.

- C. *Declaring An Animal Dangerous.* If the Chief of Police or his/her designated representative has cause to believe that an animal is dangerous, the Chief or designated representative may find and declare that the animal is a dangerous animal and therefore subject to the terms and restrictions of this Section.

- D. *Notice Of Declaring An Animal Dangerous.* After declaring an animal dangerous, the Chief of Police or his/her designated representative shall notify the animal's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a dangerous animal as set forth in this Section. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted on the owner's last known address.
- E. *Hearing On Dangerous Animal Declaration.*
1. The owner of an animal declared dangerous shall have the right to file, within five (5) days after receiving notice, a written request with the Chief of Police for a hearing to contest the dangerous animal declaration. The Chairman of the Board of Trustees shall designate a hearing officer to conduct the hearing and render a decision.
 2. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
 3. The hearing officer shall issue a decision after the close of the hearing and notify the owner in writing of the decision.
 4. If the hearing officer upholds the dangerous animal declaration, the owner shall comply with all of the requirements and conditions for maintaining a dangerous animal as set forth in this Section.
 5. Any person aggrieved by the determination of the hearing officer may appeal the decision to the Circuit Court of St. Louis County pursuant to the provisions of Chapter 536, RSMo.; provided however, that any appeal must be filed with the Circuit Court within five (5) days of the date of the hearing officer's decision.
- F. *Registration—Conditions Required To Keep.* From and after August 1, 1997, the owner of a dangerous animal may maintain a dangerous animal only subject to the following limitations, requirements and conditions:
1. *Registration.* Within ten (10) days of August 1, 1997, or the acquisition of a dangerous animal, every keeper or owner of a dangerous animal in the Village shall register said animal with the Chief of Police of the Village on the "*dangerous animal*" registry. Failure to so register shall constitute a violation of this Section. Notice of this requirement shall be given by posting a copy of this Section in the Village Hall.
 2. *Leash and muzzle.* No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length with a minimum tensile strength of three hundred (300) pounds. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash and animal. Such animal may not be leashed to objects such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals. The muzzle must not cause injury to the dangerous animal or interfere with its vision or respiration, but must prevent the dangerous animal from biting any human or animal.
 3. *Confinement.* All dangerous animals shall be securely confined indoors (see below) or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. The pen, kennel or structure must be suitable to prevent the entry of young children and designed to prevent the dangerous animal from escaping. Such pen, kennel or structure

must have secure sides and a secure top attached to the sides and must have minimum dimensions of five (5) feet by ten (10) feet. All structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or if the structure has no bottom or floor attached to the sides, the sides of the pen must be embedded in the ground no less than one (1) foot. All structures erected to house dangerous animals must comply with all zoning and building regulations of the Village. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The structure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with offspring under two (2) months of age, the offspring may occupy the same enclosure as the mother. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

4. *Signs.* All owners, keepers or harborers of dangerous animals within the Village shall display in a prominent place on their premises a sign reading in letters not less than two (2) inches high "*Beware of Dangerous Animal*" and easily readable by the public. The owner shall also display a sign with a symbol warning children of the presence of a dangerous animal. In addition, a similar sign is required to be posted on the kennel or pen of such animal.
5. *Insurance.* All owners, keepers or harborers of dangerous animals must provide proof to the Chief of Police of public liability insurance in a single incident amount of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harborer at all times. Such insurance policy shall provide that no cancellation, termination or expiration of the policy will be made unless ten (10) days' written notice is first given to the Chief of Police of the Village.
6. *Photographs.* All owners, keepers or harborers of dangerous animals must provide to the office of the Chief of Police two (2) color photographs, in two (2) different positions, clearly showing the color, markings and approximate size of the animal.
7. *Reporting requirements.* All owners, keepers or harborers of dangerous animals must, within ten (10) days of any of the following incidents, report said information in writing to the Chief of Police.
 - a. The removal from the Village or death of a dangerous animal;
 - b. The birth of offspring of a dangerous animal; or
 - c. The new address of a dangerous animal owner should the owner move from one address within the corporate Village limits to another address within the corporate Village limits.
8. *Loose, unconfined or missing dangerous animal.* The owner, keeper or harborer shall notify the Police Department immediately if a dangerous animal becomes loose, unconfined or missing, has attacked another animal, or has attacked a human being.
- G. *Sale Or Transfer Of Ownership.* No person shall sell, barter or in any other way dispose of a dangerous animal to any person within the Village; provided that the owner of a dangerous animal

may sell or otherwise dispose of an animal or the offspring of such animal to persons who do not reside within the Village.

- H. *Offspring Of Dangerous Animals.* All offspring born of dangerous animals within the Village must be removed from the Village within two (2) months of their birth.
- I. *Failure To Comply.* It shall be unlawful for the owner, keeper or harbinger of a dangerous animal within the Village to fail to comply with the limitations, requirements and conditions set forth in this Section. Any animal found to be the subject of a violation of this Section shall be subject to revocation of the license and/or registration of the animal and immediate seizure and impoundment. The owner shall be required to take necessary action to dispose of such dangerous animal and the Chief of Police is further authorized to dispose of such dangerous animal if necessary action is not taken by the owner.
- J. *Violations And Penalties.* Any person found guilty of violating any provision of this Section shall be punished as provided in Section 100.090 of this Code of Ordinances. In addition to any penalty as provided above, the court shall order the registration of the subject dangerous animal revoked and the animal removed from the Village. Should the defendant refuse to remove the animal from the Village, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section.
- K. *Authority For Additional Relief.* In addition to any other provisions or penalties established for violations of this Section of the Code, the Chief of Police of the Village may, after approval by the Board of Trustees, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with the provisions of this Section. In such action, the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief and recovery of attorney fees and expenses incurred by the Village, as the facts may warrant. (R.O. 2006 §290.120; Ord. No. 102, CC §73.120; Ord. No. 97-22 §2, 7-24-97)

SECTION 240.130: "MAINTAIN A KENNEL"—DEFINED

MAINTAIN A KENNEL: As used in this Chapter, shall mean owning, keeping or harboring at any one time, whether at one (1) or more locations within the Village of Riverview, four (4) or more dogs over the age of two (2) months. (R.O. 2006 §290.140; Ord. 102, CC §73.140; Ord. No. 09-22 §1, 9-24-09)

SECTION 240.140: MAINTENANCE WITHOUT LICENSE A MISDEMEANOR

Any person who shall maintain a kennel within the Village of Riverview without a license duly issued therefor as herein provided shall be deemed guilty of a misdemeanor. (R.O. 2006 §290.150; Ord. 102, CC §73.150)

SECTION 240.150: LICENSE—HOW ISSUED—FEE

The Board of Trustees on application duly made may by a majority vote authorize the Village Collector to issue license for maintenance of a kennel, provided the application for such license is

accompanied by a petition in writing assenting to the maintenance of such kennel at any location specified, signed by at least two-thirds ($\frac{2}{3}$) of the resident property owners in the block where same is to be maintained. License shall be issued by the Village Collector for a period of one (1) year and for non-commercial kennel upon an annual fee of fifteen dollars (\$15.00). Payment of such license fee shall be in addition to the license and fee provided in this Chapter for individual dog licenses. For commercial kennels the annual license fee shall be fifty dollars (\$50.00) but no dog license for each dog shall be required. (R.O. 2006 §290.160; Ord. 102, CC §73.160)

SECTION 240.160: NUMBER OF DOGS LIMITED

The number of dogs to be kept in any licensed kennel at any one time shall not exceed fifteen (15). (R.O. 2006 §290.170; Ord. 102, CC §73.170)

SECTION 240.170: KENNELS—INSPECTION OF

All licensed kennels shall be inspected by the Chief of Police at least once every three (3) months. If said kennel on any inspection be found not to comply with the provisions of this or other ordinances of the Village of Riverview or to constitute a nuisance, the Chief of Police shall report the facts to the Board of Trustees and the Board of Trustees may revoke such license or suspend the same as it may deem proper. (R.O. 2006 §290.180; Ord. 102, CC §73.180)

SECTION 240.180: STANDARDS FOR DOG RUNS AND PENS

- A. For purposes of this Section, a "*dog run*" or "*pen*" shall mean and refer to any accessory structure or enclosed area designed, intended or used for temporarily or permanently harboring or housing one (1) or more dogs.
- B. Dog runs or pens, whether or not they are erected in conjunction with maintaining a kennel, as defined in Section 240.130 above, shall:
 - 1. Be permitted only in rear yards of lots;
 - 2. Have side walls constructed only of chain link fencing material;
 - 3. Be no more than six (6) feet in height above grade;
 - 4. Not enclose an area greater than two hundred (200) square feet;
 - 5. Be not less than five (5) feet nor more than forty (40) feet in length or width;
 - 6. Not be located within ten (10) feet of any parallel fence, property line or structure; and
 - 7. Be kept clean, dry, sanitary and free from obnoxious odors and conditions conducive to attracting or breeding insects.
- C. Any person found to have violated any provision of this Section is subject to having any license related to the keeping of dogs pursuant to this Chapter revoked or denied and may, upon conviction, also be punished as provided by Section 100.090 of this Code of Ordinances. (R.O. 2006 §290.190; Ord. No. 93-14 §1, 5-27-93)

SECTION 240.190: ANIMAL FECES TO BE REMOVED

It is unlawful for any person owning or in control of any animal to allow or permit such animal to defecate upon any public property, street, right-of-way, alley, sidewalk, condominium or subdivision common area or private property unless the person owning or in control of the animal immediately removes and properly disposes of all feces deposited by the animal. (R.O. 2006 §290.200; Ord. No. 06-05 §1, 2-23-06)

SECTION 240.200: DOMESTIC ANIMALS PROHIBITED—EXCEPTION

- A. No person may keep upon his premises any domestic animal or fowl except as provided in this Chapter.
- B. Any person desiring to keep any chicken within the Village may file with the Village Clerk a written application for a permit, stating the location and the facilities to be provided, the size of the premises of the applicant, the number and type of each to be kept, the purpose of the keeping, and the names and telephone numbers of persons who can respond to any emergency involving the animals in the owner's absence. The Village Clerk shall notify all neighbors within one hundred (100) feet of the property lines of the applicant within fifteen (15) calendar days of the date of the notice of the application and inviting the neighbors to submit public comment. Within ten (10) business days after the fifteen (15) day comment period, the Village Clerk shall decide whether the application meets the terms and conditions of this Chapter, and issue or deny the permit. Any applicant or aggrieved neighbor within one hundred (100) feet of the property lines of the applicant may appeal the decision of the Village Clerk to the Board of Trustees, which may affirm, reverse, or modify the decision of the Village Clerk. Each permit shall be for a term of one (1) year from the date thereof, unless sooner revoked by the Board of Trustees, or such person designated by the Board of Trustees, after a hearing. A permit granted under this Section may be renewed for a period of one (1) year through the same procedure set forth above for an initial application. Permits granted under this Chapter may not be transferred upon sale or gift of the property from a permitted owner to a new owner. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.210: PERMIT—FEE

Permit shall be issued by the Village Collector for a period of one (1) year upon payment of an annual fee of fifteen dollars (\$15.00). Payment of such license fee shall be in addition to the license and fee provided for in this Chapter for individual chicken licenses, if applicable. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.220: PERMIT REVOCATION—CONDITIONS AND NOTICE

- A. A registration or permit for chickens may be revoked at any time, without a hearing, if the Village determines that an infectious avian agent of potential significant co-pathogenicity, such as avian flu, is identified within the continental United States. At such time, the owner shall take such steps as health officials of the County, State, or Federal Government instruct with regard to the quarantine or destruction of any such chicken.
- B. Except as provided in Subsection (A) above, if the holder of a registration or permit allows an unsanitary condition, or any violation of this Chapter, to exist for more than fourteen (14) calendar days after notice from the Village, then such registration or permit for any chicken may be revoked after hearing, upon a determination by the Village Clerk or his/her designee, that such chicken is

being maintained in an unsanitary condition, or in violation of this Chapter, or other laws applicable to chickens. All chickens must be disposed of or removed from the Village not more than fourteen (14) calendar days following receipt of notice of revocation after hearing, sent via certified U.S. mail, unless circumstances warrant earlier removal. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.230: REQUIRED FACILITIES—RUNNING AT LARGE PROHIBITED

- A. All chickens permitted to be kept in the Village shall be securely restrained and enclosed in a suitable shelter, chicken coop, aviary, or other outbuilding or enclosure, upon the premises of the owner, and shall not be permitted to be at large at any time. Enclosures for chickens shall be completely enclosed, including a roof to prevent chickens from escaping the enclosure. Such shelter, chicken coop, aviary, or other outbuilding or enclosure, and any appurtenances thereto, is to be located outside the side setback area as defined by the Village of Riverview Municipal Code and may not be nearer than fifty (50) feet to any portion of the dwelling, residence, or living quarters of persons other than their owner.
- B. Chickens are limited to parcels zoned single-family residential and with valid occupancy permits for single-family residential. A maximum of eight (8) chickens are allowed for any single-family residence. Areas containing any shelter, chicken coop, aviary, or other outbuilding or enclosure, and any appurtenances thereto, must either be of level grade or graded in a direction away from the property line to prevent runoff to adjacent property. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.240: MAINTENANCE OF SANITARY CONDITIONS

- A. All shelters, chicken coop, aviaries, or other outbuildings or enclosures, and any appurtenances thereto where any domestic animals permitted by the Village are kept on either a temporary or permanent basis, shall be maintained so that the premises is in a clean and sanitary condition and free from all obnoxious smells or substances; otherwise they shall be deemed to be a public nuisance. The owner of the premises and the tenant and custodian must promptly comply with orders of the Village and/or St. Louis County Department of Health with respect to any unsanitary condition found to exist.
- B. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures, or structures, shall be evidence of a lack of sanitary maintenance of the premises and shall constitute a public nuisance.
- C. Where manure will remain on the premises in excess of twenty-four (24) hours, a fly-proof receptacle shall be provided for containing such manure. Any unnecessary accumulation of debris, refuse, manure, or other removable material upon any surface within any such enclosed area or premises, or within any structure used or intended to be used for the housing of permitted chickens shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.
- D. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of permitted chickens shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.
- E. All premises, enclosures, or structures used or intended to be used for the keeping or housing of any such chickens permitted by the Village shall be thoroughly cleaned and all debris, refuse, manure, or other removable material removed therefrom as often as may be necessary to effect satisfactory compliance with the provisions of this Chapter.

- F. Deceased chickens must be disposed of either through burial or incineration in accordance with County, State, and Federal regulations.
- G. All enclosures, refuse containers, and all feed containers intended for the use of chickens, as permitted by the Village, shall be constructed, maintained, and kept in such a manner as to be completely rodent-proof. The floors of every such enclosure shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.250: RIGHT OF ENTRY

As a condition of each permit issued herein, the Animal Control Officer, official of the Village, official of the St. Louis County Department of Health, or any other person, firm, corporation, organization, or agency with which the Village has contracted according to the provisions of this Chapter, and Police Officers, while in pursuit of a chicken at large, shall have the right of entry to any lots or lands, including those of the owner of such domestic animal, for the purpose of collecting any domestic animal found in violation of this Chapter. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.260: INTERFERENCE WITH ENFORCEMENT OFFICIALS

Any person who shall interfere with or obstruct a Village Official in the reasonable performance of his or her duty in apprehending any domestic animal or fowl, or investigation under this Chapter, or any person who shall refuse to deliver up his or her chicken, upon request by a proper Village Official, whenever such official has reasonable cause to believe that such chicken is unlicensed or such permit for keeping the chickens has been revoked under the provisions of this Chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as hereinafter provided. (Ord. No. 11-17 §1, 7-28-11)

SECTION 240.270: PENALTY FOR VIOLATION

Any person who violates any provision of this Chapter may be fined not less than ten dollars (\$10.00) or more than one hundred fifty dollars (\$150.00) for each violation and each day or part of a day shall be considered a separate violation. (Ord. No. 11-17 §1, 7-28-11)

CHAPTER 245: SWIMMING POOLS

Editor's Note—Ord. no. 09-10, adopted March 26, 2009, adopted a new chapter 245 "swimming pools". Former ch. 245 derived from R.O. 2006 §§295.010—295.020; ord. no. 102, Bill 422; CC §§62.710—62.720; ord. no. 08-51 §1, 11-20-08.

SECTION 245.010: DEFINITION

The following words shall, for the purposes of this Section and as used elsewhere in this Code, have the meaning shown herein.

SWIMMING POOLS: Any structure intended for swimming, recreational bathing, or wading that contains water over twenty-four (24) inches (610 mm) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas; and fixed-in-place wading pools. (Ord. No. 09-10 §1, 3-26-09)

SECTION 245.020: PUBLIC SWIMMING POOLS

Public swimming pools shall be completely enclosed by a fence at least four (4) feet (1,290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a four (4) inch in diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates. (Ord. No. 09-10 §1, 3-26-09)

SECTION 245.030: RESIDENTIAL SWIMMING POOLS

Residential swimming pools shall comply with Sections 245.030 (1—3). Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with the American Society for Testing and Materials (ASTM) Standard F1346-91(2003): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.

1. **Barrier height and clearances.** The top of the barrier shall be at least forty-eight (48) inches (1,219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches (102 mm).
 - a. **Openings.** Openings in the barrier shall not allow passage of a four (4) inch in diameter (102 mm) sphere.
 - b. **Solid barrier surfaces.** Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - c. **Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the vertical and horizontal members is less than forty-five (45) inches (1,143 mm), the horizontal members shall be located on

the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters (1.75) inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters (1.75) inches (44 mm) in width.

- d. *Widely spaced horizontal members.* Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches (1,143 mm) or more, spacing between vertical members shall not exceed four (4) inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters (1.75) inches (44 mm).
- e. *Chain link dimensions.* Maximum mesh size for chain link fences shall be a two and one-quarter (2.25) inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarters (1.75) inches (44 mm).
- f. *Diagonal members.* Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than one and three-quarters (1.75) inches (44 mm).
- g. *Gates.* Access gates shall comply with the requirements of the above Subsections 245.030 (1)(a—g) and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches (1,372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three (3) inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than one-half (.5) inch (12.7 mm) within eighteen (18) inches (457 mm) of the release mechanism.
- h. *Dwelling wall as a barrier.* Where a wall of a dwelling serves as part of the barrier, one (1) of the following shall apply:
 - (1) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen are opened. The alarm shall sound continuously for a minimum of thirty (30) seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than fifteen (15) seconds. The deactivation switch shall be located at least fifty-four (54) inches (1,372 mm) above the threshold of the door.
 - (2) The pool shall be equipped with a power safety cover which complies with the American Society for Testing and Materials (ASTM) Standard F1346-91(2003): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.
 - (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Sections 245.030 (1)(h)(1—2) above.

- i. *Pool structure as barrier.* Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 245.030 (1)(a—h) above. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a four (4) inch in diameter (102 mm) sphere.
2. *Indoor swimming pools.* Walls surrounding indoor swimming pools shall not be required to comply with Section 245.030 (1)(h).
3. *Prohibited locations.* Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers. (Ord. No. 09-10 §1, 3-26-09)

SECTION 245.040: ENTRAPMENT AVOIDANCE

- A. Where the system inlet system, such as an automatic cleaning system, is a vacuum cleaner system which has a single suction inlet, or multiple suction inlets which can be isolated by valves, each suction inlet shall protect against user entrapment by an approved antivortex cover, a twelve (12) inch by twelve (12) inch (304 mm by 304 mm) or larger grate or other approved means.
- B. In addition, all pools and spas shall be equipped with an alternative back-up system which shall provide vacuum relief should grate covers be missing. Alternative vacuum relief devices shall include one (1) of the following: an approved vacuum release system, approved vent piping, or any other approved devices or means. (Ord. No. 09-10 §1, 3-26-09)

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.010: DEFINITIONS

The following words and phrases, when used in this Title, mean:

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT: All streets and portions of streets within the area described by Village ordinance as such.

COMMERCIAL VEHICLE: Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE: Is a vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol

Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;

2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
4. Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE: Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

MOTORIZED PLAY VEHICLE: Includes mini-motorcycles, pocket bikes and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour, that is self-propelled by a motor engine and that is not otherwise defined by Missouri Statutes or the Village of Riverview Village Code as motor vehicle, motorcycle, bicycle or motorized bicycle.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the Village.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER: Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RAILROAD: A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN: A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP: When required, complete cessation from movement.

STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway", a highway maintained by the State of Missouri as a part of the State highway system.

THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this Title.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons.

SECTION 300.020: REGISTERED OWNER RESPONSIBLE

In any prosecution charging a violation of any of the provisions of this Title governing or regulating the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the

citation or complaint was parked in violation of the Title, together with proof that the defendant named therein was at the time of such violation the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the registered owner and that the defendant was the person who parked the vehicle at the point where, and for the time during which, the violation occurred. It shall be proof that the defendant was the registered owner if he/she was so designated by motor vehicle registration records of the Missouri Department of Revenue or motor vehicle registration or licensing records of the Village of Riverview pursuant to the Village Code. (R.O. 2006 §300.100; Ord. No. 00-14 §1, 6-22-00)

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

- A. The Police Department shall keep a record of all violations of the traffic ordinances of the Village or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

SECTION 305.020: POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

SECTION 305.025: TRAFFIC ACCIDENT STUDIES

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate with the Village Traffic Engineer in conducting studies of such accidents and determining remedial measures. (R.O. 2006 §305.050; Ord. 102, Bill 401)

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the Village Traffic Engineer.

SECTION 305.040: DRIVER FILES TO BE MAINTAINED

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

SECTION 305.050: POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

The Police Department shall annually prepare a traffic report which shall be filed with the Chairman. Such report shall contain information on traffic matters in the Village as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
3. The plans and recommendations of the Police Department for future traffic safety activities.

SECTION 305.060: EMERGENCY AND EXPERIMENTAL REGULATIONS

- A. The Chief of Police by and with the approval of the Village Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the Village and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- B. The Village Traffic Engineer may test traffic control devices under actual conditions of traffic. (R.O. 2006 §305.110; Ord. 102, Bill 401)

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the Village and all of the State vehicle laws applicable to traffic in the Village.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

SECTION 310.030: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

SECTION 310.040: USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED—MOTORIZED PLAY VEHICLES

- A. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the Village.
- B. No person shall ride on or operate a motorized scooter or motorized play vehicle upon any street, highway, roadway or sidewalk within the Village or within the boundaries of any Village park.
- C. It shall be unlawful for any person to be upon bicycles, roller skates or skateboards, or riding in or by means of any coaster, toy, vehicle, motorized scooter, motorized play vehicle or similar device while in or upon any portion of any park premises unless specifically designated therefore; provided however, this provision shall not apply to a show, exhibition, demonstration or other activity which

is a part of a special event being sponsored on park premises, nor shall this provision apply to child-carrying devices such as baby strollers, carriages or wagons or to disable a person. (R.O. 2006 §310.040; Ord. 102, Bill 401; Ord. No. 05-20 §2, 12-22-05)

SECTION 310.050: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or Village and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

SECTION 310.060: EMERGENCY VEHICLES—USE OF LIGHTS AND SIRENS— RIGHT-OF-WAY—STATIONARY VEHICLES, PROCEDURE—PENALTY

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.
- B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
 1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
 2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- C. *Responsibilities Of Driver Of Emergency Vehicle.*
 1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
 2. The driver of an emergency vehicle may:
 - a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;

- d. Disregard regulations governing direction of movement or turning in specified directions.
- 3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.
- E. Violation of this Section shall be deemed an ordinance violation.

**SECTION 310.070: SIRENS AND FLASHING LIGHTS EMERGENCY USE—PERSONS
AUTHORIZED—VIOLATION—PENALTY**

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this Village as an emergency vehicle under the provisions of Section 310.060 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

SECTION 310.080: IMMEDIATE NOTICE OF ACCIDENT WITHIN VILLAGE

The driver of a vehicle involved in an accident within the Village resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Police Department as soon as reasonably possible.

SECTION 310.090: WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

SECTION 310.100: WHEN DRIVER UNABLE TO REPORT

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

SECTION 310.110: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

- A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the Village or on any publicly or privately owned parking lot or parking facility within the Village generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including Village and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.
- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

CHAPTER 315: TRAFFIC CONTROL DEVICES

SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The Village Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the Village to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the Village or under State law or to guide or warn traffic.

SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Trustees of the Village. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Village. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES—PRESUMPTION OF LEGALITY

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND—RIGHT TURN ON RED LIGHT—WHEN

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

- a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local

authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.

- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols are in place, such signals shall indicate as follows:

1. "*WALK*": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. "*WAIT*" or "*DON'T WALK*": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

SECTION 315.080: FLASHING SIGNALS

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
 1. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 2. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title.

SECTION 315.090: LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.

SECTION 315.120: AUTHORITY TO ESTABLISH PLAY STREETS

The Village Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 315.130: PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 315.140: VILLAGE TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The Village Traffic Engineer is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

SECTION 315.150: TRAFFIC LANES

- A. The Village Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

CHAPTER 320: SPEED REGULATIONS

SECTION 320.010: STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Village, except that the Village may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS

The Village Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

SECTION 320.030: SPEED LIMITS

- A. No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.
- B. Except where otherwise provided in the above paragraph, no person shall operate a vehicle on any street in the Village in excess of twenty-five (25) miles per hour.

SECTION 320.040: SLOW SPEED—REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
 - a. A left turn shall not be made from any other lane;
 - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and
 - c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

- A. The Village Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Village Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 325.050: LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

Whenever any ordinance of the Village designates any one-way street or alley, the Village Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 330.020: ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

- A. The Village Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Village Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

CHAPTER 335: STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS

SECTION 335.010: THROUGH STREETS DESIGNATED

Those streets and parts of streets described by ordinances of the Village are declared to be through streets for the purposes of Sections 335.010 to 335.090.

SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS

Whenever any ordinance of the Village designates and describes a through street, it shall be the duty of the Village Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Village Traffic Engineer upon the basis of an engineering and traffic study.

SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The Village Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

SECTION 335.040: STOP AND YIELD SIGNS

- A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
- B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection

(B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 335.090: OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or
 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

- C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.
- D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.
- E. Every commercial motor vehicle as defined in Section 302.700, RSMo., shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This Section does not apply to vehicles which are required to stop at railroad crossings pursuant to Section 304.030, RSMo.

CHAPTER 340: MISCELLANEOUS DRIVING RULES

SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 340.020: CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

SECTION 340.030: FUNERAL PROCESSIONS

A. *Definitions.* As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR: A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE: Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION: Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.

4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
 5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.
 6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
 - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
 - b. Join a funeral procession for the purpose of securing the right-of-way; or
 - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
 7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
 8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.
- C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00).

SECTION 340.040: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

SECTION 340.050: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK—PROHIBITION ON OBSTRUCTION OF BICYCLE LANES—DRIVERS TO YIELD TO BICYCLES IN DESIGNATED BICYCLE LANES

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "*designated bicycle lane*" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

SECTION 340.060: LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 340.070: OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 340.080: RIDING ON MOTORCYCLES—ADDITIONAL PASSENGER—REQUIREMENTS

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

SECTION 340.090: RIDING BICYCLE ON SIDEWALKS—LIMITATIONS—MOTORIZED BICYCLES PROHIBITED

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

SECTION 340.100: ALL-TERRAIN VEHICLES—PROHIBITED—EXCEPTIONS—OPERATION UNDER AN EXCEPTION—PROHIBITED USES—PENALTY

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this Village, except as follows:
 - 1. All-terrain vehicles owned and operated by a governmental entity for official use;

2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; or
 3. All-terrain vehicles whose operators carry a special permit issued by this Village pursuant to Section 304.013, RSMo.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this Village, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
- D. No person shall operate an all-terrain vehicle:
1. In any careless way so as to endanger the person or property of another;
 2. While under the influence of alcohol or any controlled substance; or
 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- F. A violation of this Section shall be an ordinance violation.

SECTION 340.110: RIDING BICYCLES, SLEDS, ROLLER SKATES BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED—PULLING A RIDER BEHIND VEHICLE PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

SECTION 340.120: CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

SECTION 340.125: REGULATIONS FOR BICYCLISTS, SCOOTER OPERATORS, ROLLERBLADERS, ROLLERSKATERS AND SKATEBOARDERS

A. *Scope Of Regulations.*

1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Section or elsewhere in this Title when applicable.
2. These regulations apply to bicyclists, scooter operators, rollerbladers, rollerskaters and skateboarders when such devices are operated upon any highway, roadway or alleyway, or upon any path set aside for the exclusive use of such devices subject to those exceptions stated by this Code. For purposes of this Section, a "scooter" shall be defined as a device that typically has one (1) front and one (1) rear wheel with a low footboard between, is steered by a handlebar and is propelled either by pushing one foot against the ground while resting the other foot on the footboard or by motor. A scooter may have more than two (2) wheels.

B. *Traffic Laws To Apply.* Every person operating a bicycle, scooter, rollerblades, rollerskates or a skateboard upon a highway, roadway or alleyway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of law and ordinance by which their nature can have no application.

C. *Obedience To Traffic Control Devices.*

1. Any person operating a bicycle, scooter, rollerblades, rollerskates or a skateboard shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a Law Enforcement Officer.
2. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle or scooter shall disobey the direction of any such sign. Where such person dismounts from such devices to make any such turn, the person shall then obey the regulations applicable to pedestrians.

D. *Riding On Bicycles, Scooters Or Skateboards.*

1. A person propelling a bicycle shall not ride on a seat other than a permanent and regularly attached seat.
2. No bicycle, scooter or skateboard shall be used to carry more persons at one time than the number for which it is designed and equipped.

E. *Riding On Highways, Roads Or Alleyways.*

1. Every person operating a bicycle or scooter upon a highway, roadway or alleyway shall ride as near to the right side of the highway, roadway or alleyway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.
2. Persons riding bicycles, scooters, rollerblades, rollerskates or a skateboard upon a road shall not ride more than two (2) abreast except when riding on paths or part of roads set aside for the exclusive use of such devices.

- F. *Speed.* No person shall operate a bicycle, scooter, rollerblades, rollerskates or a skateboard at a speed greater than is reasonable and prudent under existing conditions, nor shall such operator exceed the legal speed limit for the roadway while riding upon the roadway.
- G. *Emerging From Alleyway, Private Roadway Or Driveway.* The operator of a bicycle, scooter, rollerblades, rollerskates, a skateboard emerging from an alleyway, private roadway, driveway or building shall, upon approaching a sidewalk or the sidewalk area, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the highway or roadway, the operator shall yield the right-of-way to all vehicles approaching on the highway or roadway.
- H. *Carrying Articles.* No person operating a bicycle or scooter shall carry any package, bundle or article which prevents the rider from keeping at least one (1) hand upon the handlebars.
- I. *Parking.* No person shall park a bicycle or scooter upon a highway, roadway or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic.
- J. *Lamps And Other Equipment On Bicycles.*
1. Every bicycle or scooter when in use at nighttime shall be equipped with and shall use a lamp on the front which emits a white light visible from a distance of at least five hundred (500) feet to the front and with a red, white or yellow reflector on the rear of a type which is visible from all directions from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the rear reflector.
 2. Every bicycle or scooter shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
- K. *Operators And Passengers To Wear Helmets.* It shall be unlawful for a parent or guardian to permit a child under the age of seventeen (17) years to operate or be a passenger on a bicycle, a scooter, rollerskates, rollerblades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM).
- L. *Rollerskates, Rollerblades And Skateboards—Use Restricted.* No person upon rollerskates, rollerblades or a skateboard shall go upon any road except while crossing the road. When so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to all other pedestrians.
- M. *Penalties.* Every person convicted of a violation of any provision of this Section shall be punished by a fine of not more than twenty-five dollars (\$25.00). (Ord. No. 08-20 §1, 3-27-08)

SECTION 340.126: MOTORIZED PLAY VEHICLES

- A. *Definitions.* As used in this Section, the following terms shall mean:

MOTORIZED PLAY VEHICLE: Includes mini-motorcycles, pocket bikes, and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour, that

is self-propelled by a motor engine and that is not otherwise defined by Missouri Statutes or the Village of Riverview Village Code as motor vehicle, motorcycle, bicycle, or motorized bicycle.

VEHICLE: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, motorized scooters, motorized play vehicles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons.

B. *Use Of Coasters, Roller Skates, And Similar Devices Restricted.*

1. No person shall ride on or operate a motorized scooter or motorized play vehicle upon any street, highway, roadway or sidewalk within the Village, or within the boundaries of any Village park.
2. It shall be unlawful for any person to be upon bicycles, roller skates or skateboards or riding in or by means of any coaster, toy, vehicle, motorized scooter, motorized play vehicle or similar device while in or upon any portion of any park premises unless specifically designed therefore; provided however, this provision shall not apply to a show, exhibition, demonstration or other activity which is a part of a special event being sponsored on park premises, nor shall this provision apply to child carrying devices such as baby strollers, carriages or wagons, or to a disabled person. (Ord. No. 08-46 §1, 9-25-08)

SECTION 340.130: RAILROAD TRAINS NOT TO BLOCK STREETS

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes

of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

SECTION 340.140: DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone.

SECTION 340.150: MANNER OF OPERATION OF MOTOR VEHICLES—CAREFUL AND PRUDENT

Every person operating a motor vehicle on the highways of this Village shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

SECTION 340.160: DRIVING TO THE RIGHT

- A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
 2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
 3. When the right-half of a roadway is closed to traffic while under construction or repair; or
 4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
 4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
 5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half ($\frac{1}{2}$) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

SECTION 340.170: PASSING REGULATIONS

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.
- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or about to make a left turn;
 2. Upon a Village street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
 3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement

be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 - 1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 - 2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

SECTION 340.180: HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

- 1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
- 2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.
- 3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
- 4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of

the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

SECTION 340.190: STOPPING FOR SCHOOL BUS

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.
- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop While Bus is Loading and Unloading". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.
- C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.
- D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with

caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

- E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

SECTION 340.200: RIGHT-OF-WAY AT INTERSECTION—SIGNS AT INTERSECTIONS

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- E. The Village may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.150.

State Law Reference—This Section has additional penalties based on certain circumstances, §304.351, RSMo.

SECTION 340.210: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of

the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

SECTION 340.220: HARASSING OR ALARMING A VEHICLE OPERATOR (AGGRESSIVE DRIVING)

It shall be unlawful for the operator of any motor vehicle intentionally to harass or alarm another person who is inside a motor vehicle by intentionally or knowingly:

1. Abruptly increasing or decreasing the speed of his or her vehicle;
2. Abruptly changing lanes;
3. Following the other person's vehicle more closely than is reasonable and prudent under the totality of the circumstances;
4. Impeding or obstructing the operation of the other person's motor vehicle; or
5. Operating his or her vehicle in a manner that endangers or would be likely to endanger any person or property. (R.O. 2006 §340.300; Ord. No. 99-27 §1, 9-23-99)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

SECTION 342.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an "*intoxicated condition*" when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

- A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this Village with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.
- B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

SECTION 342.040: ~~CHEMICAL TEST FOR ALCOHOL CONTENT—CONSENT IMPLIED—ADMINISTERED—WHEN—HOW—VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE~~

- A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
- B. Any person who operates a motor vehicle upon the public highways of this Village shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
 - 1. If the person is arrested for any offense arising out of acts which the arresting officer had

reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;

2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;
3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- D. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
 1. The type of test administered and the procedures followed;

2. The time of the collection of the blood or breath sample or urine analyzed;
3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
4. The type and status of any permit which was held by the person who performed the test;
5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

- G. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE—PROHIBITED WHEN

- A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways.
- B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.
- C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.

SECTION 342.060: TRANSPORTATION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE

- A. A person commits the offense of transporting an open beer or liquor container if a container of non-intoxicating beer, malt liquor, or intoxicating liquor (as those terms are defined in Section 605.010 of this Code) is found within a vehicle (as defined by Section 300.010 of this Code) which that person has under his/her control, or in which that person is a passenger.
- B. No person shall consume any alcoholic beverage while operating a motor vehicle upon any public street or roadway.
- C. Any person found to have violated this Section shall be deemed guilty of an ordinance violation and punished by a fine not to exceed two hundred dollars (\$200.00). (R.O. 2006 §340.200; Ord. 102, CC §75.130; Ord. No. 92-22 §1, 7-20-92)

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

SECTION 345.040: CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

SECTION 345.060: PROHIBITED CROSSING

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

SECTION 345.070: OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS

- A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- B. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed.

SECTION 345.080: PEDESTRIANS WALKING ALONG ROADWAYS

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

SECTION 345.090: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 345.100: DISTANCE TO BE MAINTAINED WHEN OVERTAKING A BICYCLE

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

CHAPTER 350: METHOD OF PARKING

SECTION 350.010: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

SECTION 350.020: SIGNS OR MARKINGS INDICATING ANGLE PARKING

- A. The Village Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the Village unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

SECTION 350.030: OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

On those streets which have been signed or marked by the Village Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 350.040: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

- A. The Village Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 350.050: LAMPS ON PARKED VEHICLES

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour

before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED
IN SPECIFIED PLACES**

SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. In a private driveway, on a private parking lot, or on private property, without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot or property; or
 - j. At any place where official signs prohibit stopping.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within thirty (30) feet of an intersection;
 - c. Within fifteen (15) feet of a fire hydrant;
 - d. Within twenty (20) feet of a crosswalk at an intersection;
 - e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

- f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or
 - g. At any place where official signs prohibit standing.
 - 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - a. Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

SECTION 355.030: PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

- 1. Displaying such vehicle for sale; or
- 2. Repair such vehicle except repairs necessitated by an emergency.

SECTION 355.050: PARKING ADJACENT TO SCHOOLS

- A. The Village Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS

- A. The Village Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS

The Village Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Village Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

- A. The Village Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 355.100: PHYSICALLY DISABLED PARKING

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".

- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

SECTION 355.110: PARKING CONTRARY TO TRAFFIC PROHIBITED

It shall be unlawful for any person to cause or permit a vehicle to be parked upon or along any roadway within the Village of Riverview in such a manner that the front of the vehicle is facing in a direction opposite to the lawful direction of travel in the traffic lane of such roadway nearest to the parked vehicle. (R.O. 2006 §355.110; Ord. No. 00-15 §1, 6-22-00)

SECTION 355.120: PARKING ON BUSINESS PREMISES WITHOUT PERMISSION PROHIBITED

- A. Parking upon business premises shall be prohibited except with the permission of the owner of the business or his/her authorized agent.
- B. In order to invoke the provisions of this Chapter it shall be necessary for the owner or his/her authorized agent to post a sign on an open and visible part of his/her business, said sign to read that parking is to be for customers or patrons only, naming the business, except by express permission of the owner. (R.O. 2006 §355.120; Ord. 123, Bill 348)

SECTION 355.130: MOTOR VEHICLE REPAIR IN STREETS PROHIBITED

It shall be unlawful for any person to work on or repair any motor vehicle on the streets of the Village. (R.O. 2006 §223.080; Ord. No. 91-14 §2, 6-17-91)

SECTION 355.140: PLACEMENT OF RECREATIONAL EQUIPMENT LIMITED— USE OF PUBLIC PROPERTY FOR RECREATIONAL EQUIPMENT PROHIBITED

- A. It shall be unlawful for the owner of any property to permanently or temporarily erect, install or place, or to suffer or permit another to permanently or temporarily erect, install or place, any accessory facility, recreational device, basketball standard, badminton net, volleyball net or any similar equipment, device or facility on any lot in such a manner as to make it reasonably likely or foreseeable that persons utilizing such equipment or facility will go onto a public street or roadway or any public right-of-way in the process of utilizing such equipment.
- B. It shall be unlawful for the owner of any property to permanently or temporarily erect, install or place, or to suffer or permit another to permanently or temporarily erect, install or place, any accessory facility, recreational device, basketball standard, badminton net, volleyball net or any similar equipment, device or facility in or on any public street or roadway or any public right-of-way or other public property. (R.O. 2006 §223.082; Ord. No. 00-32 §1, 11-16-00)

SECTION 355.150: PARKING PROHIBITED ON NON-PAVED AREAS

It shall be unlawful for any person to park or store, or allow to be parked or stored, any vehicle, trailer or boat on the non-paved portion of any property. (R.O. 2006 §223.090; Ord. No. 91-25 §1, 11-18-91)

SECTION 355.160: INTERFERENCE WITH VEHICULAR USE OF STREETS AND ROADWAYS

- A. It shall be unlawful for any person to engage in any game or recreational activity upon any street or roadway or to walk upon the traveled portion of any street or roadway in any manner so as to:
1. Impede the free flow of traffic.
 2. Endanger property.
 3. Endanger the life, limb or health of any person.
 4. Prevent the full and complete use of such street or roadway by other persons for the intended purposes thereof.
- B. It shall be unlawful for any parent, guardian or any other custodian or person having responsibility for the care of any child under the age of seventeen (17) years to knowingly suffer or permit such child to violate the provisions of Subsection (A) of this Section. In the prosecution of any parent, guardian or custodian for violating this Subsection, it shall be prima facie evidence that such person acted knowingly as to the conduct of the child involved if it is shown by competent evidence that the defendant had been personally informed that the child had previously engaged in conduct prohibited by Subsection (A) and of the responsibilities imposed by this Subsection.
- C. Any person found guilty of violating and provision of this Section shall be punished as provided by Section 100.090 of this Code of Ordinances. (R.O. 2006 §223.092; Ord. No. 00-31 §1, 11-16-00)

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

SECTION 360.010: VILLAGE TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The Village Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 360.020: PERMITS FOR CURB LOADING ZONES

The Village Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The Village Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the Village Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the Village for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

SECTION 360.050: VILLAGE TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The Village Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED
OR PROHIBITED ON CERTAIN STREETS**

SECTION 365.010: APPLICATION OF CHAPTER

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

SECTION 365.060: PARKING SIGNS REQUIRED

Whenever by this Title or any ordinance of the Village any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Village Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

Operating Commercial Vehicles. In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle or truck having a rated load capacity of more than one (1) ton upon streets or parts of streets so described in Schedule IX of this Title except those commercial vehicles making deliveries, or a service call, or repairs thereon. The provisions of this Section shall not apply to such commercial vehicles owned by, leased to, or regularly used by the owner or occupant of Village property when being operated to return to such person's residence. (R.O. 2006 §365.070; Ord. 102, Bill 401; Ord. No. 98-18 §1, 7-23-98)

SECTION 365.080: RESTRICTIONS ON STOPPING, STANDING AND PARKING OF CERTAIN VEHICLES AND TRAILERS

- A. Only motor vehicles which travel by means of rubber-tired wheels on no more than two (2) axles and which do not exceed six (6) feet eight (8) inches in width or seven (7) feet in height or twenty-one (21) feet in length shall be parked in any street or public right-of-way of the Village in front of any area zoned residential or multiple-dwelling under the zoning ordinance of the Village, except for deliveries or during the duration of a service call or repairs being made to a building which delivery, service call or repair requires the use of a vehicle named above; but in any event such parking time for such delivery, service call or repair shall not exceed eight (8) hours in duration.
- B. No trailer shall be parked in any street or public right-of-way of the Village in front of any area zoned residential or multiple-dwelling under the zoning ordinance of the Village, except for deliveries or during the duration of a service call or repairs being made to a building which delivery, service call or repair requires the use of a vehicle named above; but in any event such parking time for such delivery, service call or repair shall not exceed eight (8) hours in duration.
- C. No vehicle issued for a gross vehicle weight greater than twenty-four thousand (24,000) pounds or having a total length, including tractor, if any, in excess of twenty (20) feet may be parked, stored or kept upon any public property, nor shall any person, firm or corporation park, cause to be parked, or permit or suffer to be parked any commercial vehicle upon any public or private property, except in the following circumstances:
 1. Such vehicles may be parked in driveways or lawful parking areas on public or private streets, highways or roads while delivering, loading or unloading materials or otherwise being utilized to provide service to persons or property adjacent thereto, subject to the restrictions set forth in Subsection (A) above. Upon completion of the delivery, loading or unloading, or upon completion of the service requiring such vehicles, they are to be removed immediately.
 2. Such vehicles may be parked or stored within a fully enclosed garage at any time.
 3. Such vehicles which are owned by, leased to, or regularly used by the owner or occupant of property in a commercial district may be parked or stored on a paved parking lot located on the same lot as the commercial enterprise for which such vehicles are used, provided that the said vehicles are kept:
 - a. Behind the front building line of the principal structure on the lot; and

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- b. Screened from view from any adjoining public or private street, road or right-of-way and from any adjoining lot located in a residential district by artificial or landscape barriers at least six (6) feet in height. (R.O. 2006 §365.080; Ord. No. 98-18 §2, 7-23-98)

CHAPTER 370: VIOLATIONS BUREAU

SECTION 370.010: WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU

- A. Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in court or may have the option of depositing required lawful bail and, upon a plea of not guilty, shall be entitled to a trial as authorized by law.
- B. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

SECTION 370.020: DUTIES OF VIOLATIONS BUREAU

The following duties are hereby imposed upon the Violations Bureau in reference to traffic offenses:

- 1. It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;
- 2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

SECTION 370.025: OPERATION OF VIOLATIONS BUREAU

- A. The functions of the Violations Bureau established in this Chapter shall be performed by the Court Clerk.
- B. The Judge of the Municipal Court shall designate the specified offenses under this law or under the traffic ordinances of the Village and the State traffic laws in accordance with Supreme Court Rule No. 37.50 in respect to which payments of fines may be accepted by the Court Clerk in satisfaction thereof and shall specify by suitable schedules the amount of such fines for first (1st), second (2nd) and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the court. (R.O. 2006 §370.030; Ord. 102, CC §76.040; Ord. No. 01-29 §1, 11-29-01)

SECTION 370.030: VIOLATIONS BUREAU TO KEEP RECORDS

The Violations Bureau shall keep records and submit to the judges hearing violations of Village ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the Village and of all the fines collected by the Violations Bureau or the court and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

SECTION 370.040: ADDITIONAL DUTIES OF VIOLATIONS BUREAU

The Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the Village or as may be required by any laws of this State.

CHAPTER 375: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 375.010: WHEN LIGHTS REQUIRED

- A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. *When Lights Required—Violation—Penalty.*
1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
 2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an infraction and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed.

SECTION 375.020: HEADLAMP ON MOTOR VEHICLES

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

SECTION 375.030: MULTIPLE-BEAM HEADLAMPS—ARRANGEMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SECTION 375.040: DIMMING OF LIGHTS—WHEN

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

SECTION 375.050: TAILLAMPS—REFLECTORS

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.
- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the

vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

- D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

SECTION 375.060: AUXILIARY LAMPS—NUMBER—LOCATION

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

SECTION 375.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp, except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

SECTION 375.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlight but every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any person.

SECTION 375.090: COLORS OF VARIOUS LAMPS—RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowlamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

SECTION 375.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS—FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and

on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

SECTION 375.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlight or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

SECTION 375.120: OTHER VEHICLES—HOW LIGHTED

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

SECTION 375.130: ANIMAL-DRIVEN VEHICLES—LIGHTING REQUIREMENTS—PENALTY

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this Village any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half ($\frac{1}{2}$) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.
- B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this Village. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.

- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 375.140: OTHER EQUIPMENT OF MOTOR VEHICLES

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
- E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.

- G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this Village, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this Village.

SECTION 375.145: VEHICLE EQUIPMENT REGULATIONS

- A. Every motor vehicle which is operated upon the public streets shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Section shall not apply to motorcycles or motor-driven cycles or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers.
- B. All motor vehicles shall be equipped with mirrors to reveal the rear. (R.O. 2006 §340.330; Ord. No. 03-13 §1, 4-24-03)

SECTION 375.146: VEHICLE WINDOWS AND WINDSHIELDS

- A. No person shall drive any motor vehicle with any object suspended or mounted in any manner between the driver and the front windshield or with any sign, poster, snow, ice or other non-transparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs or interferes with the driver's clear view of the street, or which might divert his/her attention from the street.
- B. No person shall drive any motor vehicle with the windshield, side wings or side or rear windows of such vehicle broken or cracked in such manner as to obstruct or interfere with the driver's clear view of the street.
- C. The windshield of every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle and shall be maintained in good working order. (R.O. 2006 §340.331; Ord. No. 03-14 §1, 4-24-03)

SECTION 375.150: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED— FAILURE—PENALTY

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this Village and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

- B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.090 of this Code.

SECTION 375.160: SEAT BELTS

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the Village, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this Village shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 375.170 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Section 375.170 of this Chapter.
- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 375.170 of this Chapter.
- E. Except as otherwise provided for in Section 375.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an infraction for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

**SECTION 375.170: TRANSPORTING CHILDREN UNDER SIXTEEN YEARS OF AGE—
RESTRAINT SYSTEMS**

- A. As used in this Section, the following terms shall have these prescribed meanings:

CHILD BOOSTER SEAT: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER: A person who is in actual physical control of a motor vehicle.

- B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this Village, for providing for the protection of such child as follows:

1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

- C. Any driver who violates Subdivision (1), (2) or (3) of Subsection (B) herein is guilty of an infraction and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and

court costs. Any driver who violates Subdivision (4) of Subsection (B) herein is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein shall be subject to the penalty in Subsection (E) of Section 375.160 of this Chapter. If a driver receives a citation for violating Subdivision (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the Court or the party responsible for prosecuting the driver's citation.

- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

SECTION 375.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED—PENALTY—RULES—PROCEDURE

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.
- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation.

SECTION 375.190: HEADGEAR REQUIRED—MOTORCYCLES OR MOTORTRICYCLES

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this Village shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

SECTION 375.200: STUDED TIRES—PROHIBITED WHEN

No person shall operate any motor vehicle upon any road or highway of this Village between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

SECTION 375.210: RESTRICTION ON USE OF METAL-TIRED VEHICLES

- A. No metal-tired vehicle shall be operated over any of the improved highways of this Village, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.
- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.
- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

SECTION 375.220: PASSENGERS IN TRUCKS

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the Village when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
 5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "*Special event*", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
 6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
 7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "*family*" shall mean any persons related within the first degree of consanguinity.

SECTION 375.230: ALTERING PASSENGER MOTOR VEHICLE BY RAISING FRONT OR REAR OF VEHICLE PROHIBITED, WHEN—BUMPER FRONT AND REAR REQUIRED, WHEN CERTAIN VEHICLES EXEMPT

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this Village, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.

- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this Village shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

CHAPTER 380: BICYCLES AND MOTORIZED BICYCLES

SECTION 380.010: BICYCLE AND MOTORIZED BICYCLE—DEFINED

As used in this Chapter, the following terms shall mean:

BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

SECTION 380.020: BRAKES REQUIRED

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

SECTION 380.030: LIGHTS AND REFLECTORS—WHEN REQUIRED—STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

SECTION 380.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

SECTION 380.050: RIDING TO RIGHT—REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES—MANDATORY USE OF BICYCLE PATH BY BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

SECTION 380.060: BICYCLE TO OPERATE ON THE SHOULDER ADJACENT TO ROADWAY, WHEN—ROADWAY DEFINED

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 380.050 of this Chapter, or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section, and Section 380.050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SECTION 380.070: BICYCLE REQUIRED TO GIVE HAND OR MECHANICAL SIGNALS

The operator of a bicycle shall signal as required in Section 340.180 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.180 of this Title, or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

SECTION 380.080: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 380.090: MOTORIZED BICYCLES—LICENSE REQUIRED

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this Village which has been designated as part of the Federal interstate highway system.

SECTION 380.100: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

SECTION 380.110: ADDITIONAL BICYCLE REGULATIONS

- A. *Pedestrians Have Right-Of-Way.* Pedestrians on sidewalks shall have the right-of-way at all times over any person riding or using a bicycle and a person riding or using a bicycle upon any public sidewalk must turn off of the sidewalk at all times when meeting or passing pedestrians, or in lieu thereof, dismount from said bicycle until said pedestrian or pedestrians have passed.
- B. *Riders Limited.* Only one (1) person shall ride or be on any bicycle at any time while riding on any public street, alley or sidewalk.
- C. *Manner Of Riding.* It shall be unlawful for any person to do any trick riding on a bicycle or to ride without at least one (1) hand on the handlebar or bars at any time upon any public street, alley or sidewalk. (R.O. 2006 §340.115 (D,F,H); Ord. 102, CC §§76.500—76.600)

CHAPTER 385: LICENSING REQUIREMENTS

ARTICLE I. OPERATOR'S LICENSES

SECTION 385.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 385.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED—MOTORCYCLES—SPECIAL LICENSE

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 385.040, to:

1. Operate any vehicle upon any highway in this Village unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;
2. Operate a motorcycle or motortricycle upon any highway of this Village unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Note—Under certain circumstances this offense can be a felony under state law.

SECTION 385.025: EFFECT OF REVOCATION—PENALTY

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010—302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010—302.540, RSMo. Violation of any provision of this Section is a misdemeanor and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

SECTION 385.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

SECTION 385.040: EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows—driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent—may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II. VEHICLE LICENSING**SECTION 385.045: CERTIFICATE OF INSPECTION**

- A. It shall be unlawful for any person to operate or park upon the streets of this Village any motor vehicle or trailer unless the motor vehicle or trailer shall have the current official certificate of inspection and approval required of such motor vehicles by the Superintendent of the Missouri State Highway Patrol. Verification of inspection approval shall be displayed upon such motor vehicle or trailer in the manner prescribed by regulations established by the Superintendent of the Missouri State Highway Patrol.
- B. No person unless then holding a valid permit shall issue a certificate of inspection and approval, sticker, seal or other device.
- C. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection, sticker, seal or other device.
- D. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made. (R.O. 2006 §340.232; Ord. No. 03-07 §1, 3-27-03)

SECTION 385.050: STATE VEHICLE LICENSE PLATES REQUIRED

No person shall operate or park any motor vehicle or trailer upon any street or highway of this Village unless such motor vehicle or trailer has properly displayed a valid license plate or plates or

temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this Village, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this Village, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

SECTION 385.055: REGISTRATION OF MOTOR VEHICLES OPERATED FOR FIRST TIME IN STATE

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

SECTION 385.060: METHOD OF DISPLAYING LICENSE PLATES

No motor vehicle or trailer shall be operated on any highway of this Village unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

SECTION 385.070: UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

No person shall operate or park a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such number plates or such placard.

SECTION 385.080: LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

SECTION 385.090: CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this Village a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo.

SECTION 385.100: TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

It shall be unlawful for any person to buy or sell in this Village any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

SECTION 385.110: REMOVAL OF PLATES ON TRANSFER OF VEHICLE—USE BY PURCHASER

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "*trade-in motor vehicle or trailer*" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

SECTION 385.120: SALE BY DEALER

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

SECTION 385.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. FINANCIAL RESPONSIBILITY**SECTION 385.140: FINANCIAL RESPONSIBILITY REQUIRED**

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this Village unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- C. Proof of financial responsibility may be shown by any of the following:
 - 1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
 - 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
 - 3. A surety bond according to Section 303.230, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance

identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each and every violation.

**SECTION 385.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE—PENALTY—
CONFISCATION OF FALSE EVIDENCE**

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

**SECTION 385.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE
CARD**

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

CHAPTER 390: ABANDONED VEHICLES

SECTION 390.010: ABANDONED VEHICLES OR TRAILERS PROHIBITED

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway.

State Law Reference—For similar provisions, §577.080, RSMo.

SECTION 390.015: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable vehicles or other vehicles deemed by the Village to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or a locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with the applicable zoning codes. (Ord. No. 08-45 §1, 9-25-08)

SECTION 390.020: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

State Law Reference—For similar provisions, §304.151, RSMo.

SECTION 390.030: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY

- A. Any Law Enforcement Officer, or an official of the Village where the Village's real property is concerned, may authorize a towing company to remove to a place of safety:
 - 1. Any abandoned property on the right-of-way of:
 - a. Any interstate highway or freeway in an urbanized area of the Village left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
 - b. Any interstate highway or freeway outside of an urbanized area of the Village left unattended for forty-eight (48) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
 - c. Any State highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight (48) hours;

provided that commercial motor vehicles referred to in Subsections (a—c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
 2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 3. Any abandoned property which has been abandoned under Section 390.010 herein or Section 577.080, RSMo.
 4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
 5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.
 6. Any abandoned property which due to any other State law or Village ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 7. Any abandoned property left unattended in violation of a State law or Village ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the Village Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any Village agency other than the Village Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the Village Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

State Law References—For similar provisions, §§304.155.1(2005), 304.155.3, RSMo.

SECTION 390.040: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 390.050.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 390.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the Village Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter

the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the Village Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The Village Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the Village Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
 2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the Village Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
 9. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the Village Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The Village Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
 2. The towing company, where authorization was made by an owner or lessee of real property.
- If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, Village and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers

shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

State Law References—For similar provisions, §§304.155.5—6 (2004), 304.155.11—12(2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

SECTION 390.050: MAXIMUM CHARGES

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The Board of Trustees may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the Village, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.090.
- C. A towing company may impose a charge of not more than one-half ($\frac{1}{2}$) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

State Law References—For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

SECTION 390.060: SALE OF ABANDONED PROPERTY BY VILLAGE

When the Village has physical possession of the abandoned property, it may sell the abandoned property, in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the Village Clerk and sealed with the official Village Seal. Such bill of sale shall contain the make and model of the abandoned property the complete abandoned property identification number, and the odometer reading of the abandoned property, if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

State Law Reference—For similar provisions, §304.156, RSMo.

SCHEDULE I. SPEED LIMITS

In accordance with Section 320.030 of this Code, Village speed limits shall be as follows:

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>	<i>Speed</i>
96-29	731	Adrian, 300 Block	20 mph
96-29	731	Bluff, 300 Block	20 mph
102	458	Chambers Road	30 mph
96-29	731	Fork, 300 Block	20 mph
102	458	Lilac Drive	30 mph
96-29	731	Midridge, 300 Block	20 mph
96-29	731	Northridge, 300 Block	20 mph
96-29	731	Scenic, 300 Block	20 mph
102	458	No truck larger than one (1) ton pickup truck on Scranton Drive.	Not over 15 mph
05-02	2	Stimson Drive	20 mph
102	458	Within the Village limits of the Village of Riverview except as otherwise designated.	25 mph
89-20	504	Westhues Way	10 mph

SCHEDULE II. STOP SIGNS

As authorized by and in accordance with Sections 335.020 and 335.030 of this Title, when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection or other location, designated herein, before proceeding.

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
92-17	588	Bluff Drive and Lookout Drive for northbound traffic on Lookout Drive.
98-14	793	Diamond northbound at Adrian.
98-14	793	Diamond southbound at Adrian.
98-14	793	Diamond southbound at Bluff.
98-14	793	Grosvenor southbound at Chambers.
102	419	Grosvenor for Eastbound traffic on Chambers Road.
98-14	793	Lilac Spur southbound at Lilac.
92-07	577	St. Cyr Road for Eastbound traffic on Scranton Drive.
95-11	685	Valley Drive at Crown for northbound traffic on Valley.
95-11	685	Valley Drive at Crown for southbound traffic on Valley.

SCHEDULE III. THROUGH STREETS

In accordance with the provisions of Section 335.010 of this Code and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
102	388	Adrian east at Diamond
102	388	Adrian west at Diamond
102	388	Adrian west at Lilac
102	388	Bluff east at Diamond
102	388	Bluff west at Diamond
102	388	Bluff west at Lilac
102	388	Chambers east at Diamond
102	388	Chambers west at Diamond
102	388	Chambers west at Grosvenor
102	388	Chambers east at Lilac
102	388	Chambers west at Lilac
102	388	Coburg east at Northgate
102	388	Coburg west at Northgate
89-23	507	Coburg Drive at Jeffrey Drive
102	388	Cosie west at Toelle
102	388	Crown west at Valley
102	388	Diamond north at Chambers
102	388	Diamond south at Chambers
102	388	Diamond north at Northridge
102	388	Diamond south at Northridge
102	388	Diamond Drive at Bluff Drive
102	388	Dorothy south at Chambers
102	388	Dulle west at Lilac
102	388	Fork east at Diamond
102	388	Fork west at Diamond
102	388	Gilrose west at Toelle
102	388	Habecking east at Grosvenor
102	388	Habecking east at Jeffrey
102	388	Habecking west at Jeffrey
102	388	Habecking east at Northgate
102	388	Habecking west at Northgate
102	388	Habecking west at Valley
102	388	Hayward north at Chambers
102	388	Jeffrey north at Chambers
102	388	Jeffrey south at Chambers
102	388	Jeffrey north at Habecking
102	388	Jeffrey south at Habecking
102	388	Leeton east at Lilac
102	388	Lilac north at Chambers
102	388	Lilac south at Chambers
102	388	Lilac south at Scranton
102	388	McCartney south at Chambers
102	388	Northgate north at Chambers

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Schedule III. Through Streets (cont)

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
102	388	Northgate south at Chambers
102	388	Northridge east at Diamond
102	388	Northridge west at Diamond
102	388	Northridge west at Lilac
102	388	North Side 100 Block Chambers—Private Road
102	388	Scenic east at Diamond
102	388	Scenic west at Diamond
102	388	Scenic east at Lilac
102	388	Scenic west at Lilac
102	388	Sheldon south at Chambers
102	388	S.E. Chambers north at Chambers
102	388	665 St. Cyr, Private Drive
102	388	660 St. Cyr, Private Drive
102	388	Stimpson south at Chambers
102	388	Thrift east at Diamond
102	388	Thrift west at Lilac
102	388	Toelle south at Chambers
102	388	10057 Toelle-Private Drive
102	388	Valley north at Chambers
102	388	Valley south at Chambers
102	388	West Midridge at Diamond

SCHEDULE IV. PARKING PROHIBITED

In accordance with Section 365.030 of this Code, and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein of any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
93-7	611	Bluff Drive north side between the east property line of 467 Bluff Drive and a point twenty-five (25) feet to the west thereof.
102	295	Bluff Drive north side from the east line of Diamond Drive eastwardly for one hundred eighteen (118) feet.
102	295	Bluff Drive south side from the east line of Diamond Drive eastwardly to the west line of Lookout Drive
102	412	Bluff from south side Lilac two hundred sixty-nine (269) feet east of the intersection of Bluff and Lilac.
92-31	602	Chambers Road north side beginning at the west line of Diamond Drive and extending westwardly one hundred fourteen (114) feet on Chambers Road.
102	295	Chambers Road south side from the west line of Northgate Drive westwardly for sixty (60) feet.
102	248	Diamond Drive east side from Fork Drive to Northridge Drive
102	364	Diamond Drive east side from the north line of Bluff Drive northwardly to the north property line of 9712 Diamond Drive
102	415	Diamond Drive east side from the north line of Chambers Road northwardly to the north line of property of Archdiocese of St. Louis (St. Catherine of Alexandria Church).
102	295	Diamond Drive east side from the south line of Bluff Drive southwardly for one hundred (100) feet.
102	248	Diamond Drive east side between Thrift Avenue and the north line of the Riverview Fire Protection District property.
89-21	505	Diamond Drive west side from a point one hundred three (103) feet south of Scenic Drive south a distance of eighty-nine (89) feet.
102	415	Diamond Drive west side between Thrift Avenue and the north line of the Riverview Fire Protection District property.
102	248	Diamond Drive west side from Thrift Drive to the south line of property of Berea Lutheran Church.

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Schedule IV. Parking Prohibited (cont)

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
89-24	508	Dorothy Avenue east or west side from the intersection with Chambers Road north a distance of sixty-eight (68) feet.
102	248	Habecking Drive north side from the west line of Jeffrey Drive westwardly one hundred fifty (150) feet.
92-01	571	Jeffrey Drive east side between Chambers Road and Crown Drive.
102	248	Lilac Drive 1000 block.
102	295	Lookout Drive east side from the south line of Bluff Drive southwardly for thirty (30) feet.
102	415	McCartney Lane east side from Chambers Road to a point eighty-one (81) feet north thereof.
102	415	McCartney Lane west side from Chambers Road to a point ninety-six (96) feet thereof.
102	295	Northgate Drive west side from the south line of Chambers Road southwardly for sixty (60) feet.
102	295	Northridge Court north side from the east line of Diamond Drive eastwardly for forty (40) feet.
102	295	Northridge Court south side from the east line of Diamond Drive eastwardly for seventy-five (75) feet.
102	368	Northridge Drive north side from a point one hundred sixty (160) feet from the east line of Lilac Drive eastwardly to the east property line of 451 Northridge Drive.
102	415	St. Cyr Road either side between the west line of Chicago, Burlington and Quincy Railroad right-of-way and a point five hundred thirty-three (533) feet westwardly therefrom.
102	248	Toelle Lane east side from the north Line of Chambers Road to a point five hundred (500) feet north.
89-5	489	West Drive either side south of Scranton Drive.

SCHEDULE V. PARKING RESTRICTIONS

In accordance with Section 365.040 and when signs are erected giving notice thereof, no person shall park between the hours specified herein except Sundays and public holidays.

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>	<i>Time</i>
95-14	688	Adrian Drive north side at the location of seven hundred thirty-eight (738) feet west of the centerline of Diamond Drive and extend thirty (30) feet west to the location of seven hundred sixty-eight (768) feet west of the centerline of Diamond Drive in front of the residence of 453 Adrian Drive.	No parking daily, 6:00 A.M. to 5:00 P.M.
102	295	Diamond Drive west side between Northridge Drive and the South property line of Lot 156, a distance of forty-five (45) feet.	Between 8:00 A.M. to 6:00 P.M.—no more than 15 minutes.
102	295	Duelle Drive south side from the east line of Lilac Drive eastwardly to the west line of Sheldon Drive.	No parking school days, 8:00 A.M. to 4:00 P.M.
102	295	Duelle north side from the east line of Lilac Drive eastwardly to the west line of Sheldon Drive.	No parking school days, 8:00 A.M. to 4:00 P.M.

SCHEDULE VI. FIRE ZONES

Fire Zones: It shall be unlawful for any operator to park or stop any vehicle on any street which has been designated as a fire zone. Fire zones are as follows:

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
102	248	Coburg Drive, 100 block south side.
102	248	Cosie north side from the east line of Dorothy westwardly forty-eight (48) feet.
102	248	Dorothy east side from the north line of Cosie southwardly one hundred forty (140) feet.
102	248	Fork Drive, 300 block south side.
102	248	Fork Drive, 400 block south side.
102	345	Parking shall be prohibited on the Lookout Drive north and east sides starting at the intersection of Bluff Drive and Lookout Drive to a point two hundred twenty-one (221) feet in a south and easterly direction along the east and north sides of Lookout Drive.
102	297	Lookout Drive west side from the south line of Bluff Drive southwesterly to the Village of Riverview limits.
102	248	Midridge Drive, 300 block south side.
102	345	Northridge Court south side commencing at a point 245.10 feet east of Diamond Drive and commencing from that point eastwardly for a distance of ninety-six (96) feet, three (3) inches.
102	248	Northridge Drive, 300 block south side.
102	345	Riverview dairy property north side from Toelle Lane eastwardly for a distance of two hundred ninety-nine (299) feet, eight (8) inches, commencing at a point twenty-one (21) feet eight (8) inches north of the north side of Riverview Dairy and southwardly along the east side of said dairy property a distance of two hundred eighty-six (286) feet, six (6) inches, commencing along a point twenty-two (22) feet, eleven (11) inches east of the eastern edge of Riverview Dairy permanent building.
102	248	Scenic Drive, 300 block south side.

SCHEDULE VII. BUS STOPS

Parking on the following designated streets or parts of streets designated by the sign "Bus Stop" is prohibited and no person shall park their vehicle at the places designated:

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
102	296	Adrian north side from the west line of Diamond westwardly sixty (60) feet.
102	296	Adrian north side from a point six hundred thirteen (613) feet west of the west line of Diamond westwardly sixty (60) feet.
102	296	Adrian north side from the east line of Lilac eastwardly sixty (60) feet.
102	296	Adrian south side from the west line of Bluff westwardly sixty (60) feet.
102	296	Adrian south side from a point six hundred thirty-seven (637) feet west of the west line of Diamond westwardly sixty (60) feet.
102	296	Chambers north side from the east line of Dorothy eastwardly sixty (60) feet.
102	296	Chambers north side from the east line of McCartney eastwardly sixty (60) feet.
102	296	Chambers north side from the east line of Toelle eastwardly sixty (60) feet.
102	296	Chambers south side from a point thirty-three (33) feet east of the east line of Jeffrey moving eastwardly for sixty (60) feet.
102	296	Chambers south side from the east line of Hayward eastwardly for sixty (60) feet.
102	296	Chambers south side from the east line of Stimpson westwardly for sixty (60) feet.
102	296	Chambers south side from the west line of Diamond westwardly sixty (60) feet.
102	296	Chambers south side from a point four hundred seventy-five (475) feet west of the west line of Lilac westwardly for sixty (60) feet.
102	296	Chambers south side from the west line of Lilac westwardly sixty (60) feet.
102	296	Diamond west side from the north line of Bluff northwardly sixty (60) feet.
102	296	Hayward east side from the south line of Chambers southwardly sixty (60) feet.
102	296	Lilac west side from a point sixty (60) feet south of the south line of Northridge southwardly sixty (60) feet.
102	296	Lilac east side from the south line of Northridge southwardly sixty (60) feet.
102	296	Lilac west side from the south line of Duelle southwardly sixty (60) feet.

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Schedule VII. Bus Stops (cont)

<i>Ord.</i>	<i>Bill</i>	<i>Location</i>
102	296	Northgate east side from the south line of Coburg southwardly sixty (60) of Northgate feet.
102	296	Northgate east side from the south line of Habecking southwardly sixty (60) feet.
102	296	Northridge north side from a point fifty-seven (57) feet west of the west line of Diamond westwardly sixty (60) feet.
102	296	Northridge north side from the east line of Lilac eastwardly sixty (60) feet.
102	296	Scenic south side from the west line of Lilac westwardly sixty (60) feet.

SCHEDULE VIII. SCHOOL STOPS

- A. *Vehicles Required To Stop, Exceptions, Hours.* Every vehicle, except Fire Department apparatus, Police vehicles and ambulances while on emergency runs, when used or driven upon any public street, avenue, place, alley or other public thoroughfare between the hours of 7:00 A.M. to 9:00 A.M., 11:00 A.M. to 1:00 P.M. and 3:00 P.M. to 4:00 P.M., shall be brought to a full and complete stop before passing any street crossing now or hereafter lawfully designated as a school stop and at which there shall have been placed or erected a sign or marker heretofore provided for, and at all other times vehicles shall be slowly driven through such stops, provided however, that when a Police Officer shall be stationed at a school stop, his/her reasonable directions shall be obeyed.
- B. *"School Stop"* is hereby defined as any designated intersection of two (2) or more public highways or a marked pedestrian crossing of a highway at which there shall have been erected or placed a sign or marker upon which are the words and figures "SCHOOL STOP, 7 to 9 A.M., 11 A.M. to 1 P.M., 3 P.M. to 4 P.M."
- C. *Designated Stops.* The following street intersections and street crossings are hereby designated as school stops within the meaning of this Chapter:

Northbound on Diamond at 10014 Diamond

Southbound on Diamond at 10019 Diamond

(Ord. No. 102, CC §76.110; Ord. No. 98-14 §§2—3, 6-25-98)

**SCHEDULE IX. COMMERCIAL VEHICLES PROHIBITED FROM
USING CERTAIN STREETS**

Commercial Vehicles Prohibited. It shall be unlawful for any person to operate any commercial vehicle or truck having a rated load capacity of more than one (1) ton on the streets and roads of the Village of Riverview except as herein set forth. Provided, that commercial vehicles or trucks having a rated load capacity of more than one (1) ton may be driven only on Chambers Road and Diamond Drive within the Village of Riverview when said vehicle is engaged in making a pickup or delivery within the Village of Riverview and where no other route for making such pickup or delivery is available.

Commercial vehicles are prohibited on Lilac except when making local deliveries or service calls. (Ord. No. 102, CC §76.070; Ord. No. 2005-13 §1, 6-23-05)

SCHEDULE X. SIGNS—SLOW, BLIND CHILDREN

Ordinance

102
CC §76.100

Location

Two caution signs for the protection of blind children shall be erected in the 400 block of Scenic Drive, on sign facing in each direction, and said signs shall read as follows: "SLOW BLIND CHILDREN".

SCHEDULE XI. SPECIAL ENFORCEMENT TRAFFIC ZONES

The following area within the Village shall be designated as a special enforcement traffic zone.

<i>Ordinance</i>	<i>Location</i>
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03-16	Chambers Road between Toelle Lane and the Chambers Bridge.
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Each person who violates any of the provisions of this Title III Traffic Code within a special enforcement traffic zone shall be subject to a maximum penalty, which is two (2) times what it would otherwise be if committed in an area within the Village which is not within a special enforcement traffic zone.

(Ord. No. 03-16 §1, 4-24-03)

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TITLE IV. LAND USE

CHAPTER 400: PLANNING COMMISSION AND BOARD OF ADJUSTMENT

ARTICLE I. PLANNING COMMISSION

SECTION 400.010: APPOINTMENT, VACANCIES AND ORGANIZATION

- A. There shall be a Village of Riverview Planning Commission consisting of no more than fifteen (15) nor less than seven (7) members, including:
 - 1. The Chairman of the Board of Trustees, if the Chairman chooses to be a member,
 - 2. A member of the Board of Trustees selected by the Board of Trustees, if the Board of Trustees chooses to have a member serve on the Commission, and
 - 3. Not more than fifteen (15) nor less than five (5) citizens appointed by the Board of Trustees.
- B. *Citizen Members.*
 - 1. Members shall serve without compensation and shall serve for a term of four (4) years which shall expire on the thirtieth (30th) day of June of the applicable year; provided however, that the first (1st) Commission appointed upon passage of this Title shall be appointed as follows:
 - a. Two (2) for a term of four (4) years.
 - b. One (1) for a term of three (3) years.
 - c. One (1) for a term of two (2) years.
 - d. One (1) for a term of one (1) year.
 - 2. Vacancies shall be filled for the unexpired term of a member by appointments as provided in Subsection (A). The Board may remove any citizen member for cause stated in writing and after public hearing.
- C. The Commission shall elect its chairman and secretary from among its citizen members. Their terms shall be for one (1) year with eligibility for reelection. (R.O. 2006 §445.010; Ord. 31, Bill 238 §27; Ord. No. 97-10 §1, 4-24-97)

SECTION 400.020: POWERS AND DUTIES

The Commission shall have all the powers and duties granted to it as provided for in Chapter 89, RSMo., or as amended. (R.O. 2006 §445.020; Ord. 31, Bill 238 §27)

SECTION 400.030: RECORDS

The office of the Village Clerk shall be the custodian of all Planning Commission records. The Building Commissioner and/or Village staff shall inform the Commission of correspondence relating to business of the Commission and attend to such correspondence. All maps, plans, correspondence, plats and other matter required to be filed shall be kept in the municipal files in accord with Village regulations. (R.O. 2006 §445.030; Ord. 31, Bill 238 §27)

ARTICLE II. BOARD OF ADJUSTMENT**SECTION 400.040: APPOINTMENT, VACANCIES AND ORGANIZATION**

- A. A Board of Adjustment is hereby established as provided for in Chapter 89, RSMo., or as amended. The word "*Board*", when used in this Chapter, shall be construed to mean the Board of Adjustment.
1. *Regular members.* The Board shall consist of five (5) regular members all of whom shall be residents and appointed by the Chairman of the Board of Trustees and approved by the Board of Trustees. The initial terms of office of the regular members of the Board immediately following the enactment of this Section shall be as follows: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years, which shall expire on the thirtieth (30th) day of June of the applicable year. Thereafter members shall be appointed for terms of five (5) years each, which shall expire on the thirtieth (30th) day of June of the applicable year.
 2. *Alternate members.* Three (3) alternate members, all of whom shall be residents and appointed by the Chairman of the Board of Trustees and approved by the Board of Trustees shall serve in the absence of, or the disqualification of, the regular members. The initial terms of office of alternate members immediately following the enactment of this Section shall be as follows: One (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, which shall expire on the thirtieth (30th) day of June of the applicable year. Thereafter, alternates shall be appointed for terms of three (3) years each, which shall expire on the thirtieth (30th) day of June of the applicable year.
 3. *Vacancies.* Vacancies shall be filled for the unexpired term of any regular member or alternate member whose term becomes vacant. Regular and alternate members shall be removable for cause by the Board of Trustees upon written charges and after a public hearing.
- B. The Board shall elect its own Chairman who shall serve for one (1) year.
- C. The Board shall adopt from time to time such rules and regulations as it deems necessary to carry into effect the provisions of this Title.
- D. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Prior to any Board hearing, at least one (1) week's public notice shall be given in a newspaper of general circulation in the Village. The Chairman, or in his/her absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of

each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose. (R.O. 2006 §455.010; Ord. 31, Bill 238 §29; Ord. No. 97-08 §1, 4-24-97)

SECTION 400.050: APPEALS

- A. Appeals to the Board may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or by any officer, department, board or bureau of the Village of Riverview affected by any decision of the Building Commissioner. Such appeal shall be taken within thirty (30) days by filing with the Building Commissioner or Village Clerk and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The filing fee established by ordinance must be paid to the Village Clerk of the Village of Riverview at the time the appeal is filed.
- B. The Building Commissioner or Village Clerk shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed is taken.
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner or Village Clerk certified to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Building Commissioner or Village Clerk and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereon, as well as due notice to the parties in interest, and decide the same within a reasonable time. During the hearing, any party may appear in person, by agent or by attorney. (R.O. 2006 §455.020; Ord. 31, Bill 238 §29; Ord. No. 96-12 §1, 6-27-96)

SECTION 400.060: JURISDICTION OF THE BOARD

The Board of Adjustment shall have the following duties and powers:

- 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Commissioner or Village Clerk in the enforcement of this Title.
- 2. To hear and decide all matters referred to it or upon which it is required to pass under the provision of this Title.
- 3. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this Title.
- 4. To interpret the provisions of this Title in such a way as to carry out the intent and purpose of said document.

5. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Title, to vary or modify the application of any of the regulations or provisions of this Title relating to the construction or alteration of buildings or structures or the use of land so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done. (R.O. 2006 §455.030; Ord. 31, Bill 238 §29; Ord. No. 92-32 §1, 12-21-92; Ord. No. 93-21 §2, 9-23-93)

SECTION 400.070: MATTERS TO BE CONSIDERED BY THE BOARD WHEN PASSING ON APPEALS

- A. In considering all appeals and all proposed variations to this Title, the Board shall, before making any finding in a specific case, first determine that the proposed variation:
 1. Will not constitute any change in the Zoning Map, unless herein provided by this Section; or
 2. Will not impair an adequate supply of light and air to adjacent property; or
 3. Unreasonably increase the congestion in public streets; or
 4. Increase the public danger of fire and safety; or
 5. Diminish or impair established property values within the surrounding area; or
 6. In any other respect impair the public health, safety, comfort, morals and welfare of the Village.
- B. Every variation granted or denied by the Board shall be accompanied by a written finding of the fact, based on sworn testimony and evidence, specifying the reason for granting or denying such variation. (R.O. 2006 §455.040; Ord. 31, Bill 238 §29)

SECTION 400.080: BOARD MAY REVERSE, AFFIRM OR MODIFY AN ORDER, REQUIREMENT, DECISION OR DETERMINATION

In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm wholly or partly; or may modify the order, requirement, decision or determination appealed from; and may make such order, requirement, decision or determination as should be made; and to that end shall have all the powers of the Building Commissioner or Village Clerk. (R.O. 2006 §455.050; Ord. 31, Bill 238 §29)

SECTION 400.090: VOTES NECESSARY TO REVERSE ORDER, REQUIREMENT, DECISION OR DETERMINATION

- A. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or Village Clerk; or to decide in favor of the applicant on any matter upon which it is required to pass under this Title; or to effect any variation in this Title.

- B. The Board shall submit a written finding of fact specifying the reason for the Board granting or denying any variation to the Board of Trustees and the Planning and Zoning Commission. (R.O. 2006 §455.060; Ord. 31, Bill 238 §29; Ord. No. 97-33 §1, 10-23-97)

SECTION 400.100: EXPIRATION PERIOD FOR VARIATIONS

Any variation granted under the provisions of this Title shall become void unless the authorized construction or occupancy of land and buildings has occurred within one hundred eighty (180) days after the granting of such variation. (R.O. 2006 §455.070; Ord. 31, Bill 238 §29)

SECTION 400.110: APPEAL TO CIRCUIT COURT

- A. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Louis County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of its illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.
- B. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney. This time shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- C. The Board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- D. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law. These facts and conclusions shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- E. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making a decision appealed from. (R.O. 2006 §455.080; Ord. 31, Bill 238 §29; Ord. No. 97-33 §2, 10-23-97)

CHAPTER 405: ZONING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: SHORT TITLE

This Title shall be known as the Zoning Code of Riverview, Missouri, and may be cited as the Zoning Code. (R.O. 2006 §400.010; Ord. 31, Bill 238 §1)

SECTION 405.020: PURPOSE

This Zoning Code has been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the residential, commercial and industrial areas within the Village of Riverview and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion in public streets;
6. Providing for the needs of recreation, residence, commerce, and industry in future development or redevelopment;
7. Promoting healthful surroundings for family life in residential areas;
8. Fixing reasonable standards to which buildings and structures shall conform;
9. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;
10. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
12. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them. (R.O. 2006 §400.020; Ord. 31, Bill 238 §2)

SECTION 405.030: DEFINITIONS

For the purpose of this Title, certain words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meanings except where the context clearly indicates a different or specific meaning.

Words used in the present tense shall include the future; the singular number includes the plural and the plural includes the singular; the word "*dwelling*" includes the word "*residence*", and the word "*shall*" is mandatory and not permissive.

The following words and phrases are defined:

ACCESSORY BUILDING: Any building, the use of which is incidental to the principal use of another structure on the same premises.

ACCESSORY LIVING QUARTERS: Living quarters within an accessory building located on the same lot with the main building for the sole use of persons employed on the same premises.

ACCESSORY STRUCTURE: Any structure, the use of which is incidental to the principal use of another structure on the same premises.

ACCESSORY USE: A use incidental and subordinate to the principal use of the premises.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

AMUSEMENT CENTER: Any establishment which provides three (3) or more mechanical amusement devices for use or operation by the public.

APARTMENT UNIT: A dwelling unit within a multiple-family dwelling.

AUTOMOBILE (VEHICLE) SALES AREA: An open area, other than a street or alley, used for the display, sale or rental of new or used motor vehicles and where no repair work is done except minor incidental repair of such motor vehicles to be displayed, sold or rented on the premises.

BASEMENT: A story partly underground and having at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A basement shall be counted as a story if used or intended to be used for dwelling or business purposes other than by a janitor employed on the premises.

BLOCK: An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, or other similar areas or facilities.

BUILDABLE LOT WIDTH: The width of a lot minus the combined widths of the minimum required side yards.

BUILDING: A structure that is permanently affixed to the land, has one (1) or more floors, a roof, and is designed or intended for use as a shelter and includes those structures used for business, storage or living purposes.

BUILDING, HEIGHT OF: The vertical distance measured from the curb level to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level

between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the front yard line in excess of that required, the height of the building may be measured from the average elevation of the finished grade along the perimeter of the building.

BUILDING LINE: That line which represents the closest points that a structure can be erected to the front, side and rear property lines.

CELLAR: A story having more than one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CLINIC: The group practice of medicine or dentistry for humans including assistants and laboratories, but not including in-patient care or operating rooms for major surgery.

CLUB: A building or a portion of a building intended to be used as a center of informal association for a selective membership not open to the general public.

COMMON LAND: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision and which is conveyed by the developer in fee simple absolute title by a warranty deed to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his/her interest in the common land except as an incident of the ownership of a regularly platted lot.

COMMUNITY CENTER: A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreational or educational needs of the community or neighborhood.

CUL-DE-SAC: A short street having one (1) end open to traffic and being terminated at the other end by a circular vehicular turnaround.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the Street Commissioner shall establish such curb level or its equivalent for the purpose of this Title.

DERELICT VEHICLE: An automobile, truck or other motor vehicle which has been either damaged to such extent that it cannot operate under its own power and will require major repairs before being made usable or does not comply with State or municipal vehicle licensing laws or ordinances.

DEVELOPER: That person, firm or corporation by whom a tract will be subdivided and/or improved pursuant to the requirements of this Title.

DEVELOPMENT: The act of changing as well as the state of a lot or combination of lots after the function of the tract of land has been purposefully changed by man, including, but not limited to, structures on the land and alterations to the land.

DISTRICT: A part or parts of the Village of Riverview for which the Zoning Code establishes regulations governing the development and use of land therein.

DISTRICT CLASSIFICATIONS: The "PS" Park and Scenic District, the "R" Residence District, the "PR" Planned Residence District, the "C" Commercial District, the "PC" Planned Commercial

District, the "PC/R" Planned Commercial/Residential District, the "I" Industrial District and the "PI" Planned Industrial District of Riverview.

DRIVEWAY: A private way which extends from the street right-of-way into private property, provides access to the front, side or rear of the property, and contains a specifically defined area which in single-family residential districts does not exceed ten (10) feet in width for regular driveways and twenty (20) feet in width for driveways in front of double car garages or carports.

DORMITORY: A building, usually associated with an educational or religious institution, with many rooms providing sleeping and living accommodations for a number of usually unrelated persons.

DWELLING: Any building, or portion thereof, used exclusively for human habitation; except hotels, motels, dormitories, house trailers or boarding houses.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY (DUPLEX): A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT (RESIDENTIAL UNIT): A room or group of rooms located within a dwelling and forming a habitable residence for one (1) family.

EASEMENT: A grant by a property owner to the public, to a corporation, or to a person for the use of land for a specific purpose.

EASEMENT, ROAD MAINTENANCE AND IMPROVEMENT: A grant by a property owner to the Village, County or State for the purpose of road maintenance, improvement and widening.

EASEMENT, UTILITY: A grant by a property owner to a public utility company for the purpose of installation, improvement and maintenance of public utilities.

ENGINEER: A professional engineer registered in the State of Missouri.

FAMILY: An individual, any number of person related by blood or marriage, or a group of not more than three (3) persons who need not be related by blood or marriage, living together and subsisting in common as a single non-profit housekeeping unit utilizing only one (1) kitchen.

FENCE: A structure used as an enclosure of open space.

FILLING STATION: A service station. (See definition of "SERVICE STATION".)

FRONTAGE: The length of the front lot line of a lot abutting a street.

GARAGE, PRIVATE: An accessory building with capacity for not more than two (2) self-propelled vehicles, for storage only; provided however, a private garage may exceed a two (2) vehicle capacity if the lot whereon such garage is located contains not less than three thousand (3,000) square feet

for each vehicle stored, and provided that such garage shall not exceed twelve (12) feet in height or occupy more than thirty percent (30%) of the required rear yard and meet all other requirements of this Title.

GARAGE, PUBLIC: Any building or premises, except those described as a private garage or storage garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, serviced, repaired or kept for remuneration, hire or sale.

GARAGE, STORAGE: A building, or portion thereof, designed or used exclusively for term storage of motor-driven or self-propelled vehicles, as distinguished from daily storage; and at which gasoline, motor fuels and oils are not sold and motor-driven or self-propelled vehicles are not serviced, equipped, repaired, hired or sold.

GRADE:

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining one (1) street only.
2. For buildings having walls adjoining more than one (1) street, the average elevations of the sidewalks at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

GROUP HOME: Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HOME CHILD CARE: The provision of care and supervision to children under the age of thirteen (13) years provided in and by the occupant(s) of a dwelling to non-occupants of that dwelling on a recurring basis, whether or not a dwelling occupant receives compensation for such services. Home child care may be provided as a conditional accessory use and home occupation in a dwelling located in any zoning district subject to compliance with the requirements of Section 405.250 of this Chapter.

HOME OCCUPATION: An occupation customarily carried on by only resident members of the family in a dwelling unit provided that:

1. Such occupation is clearly secondary to the principal, residential use of the dwelling unit.
2. There is no stock in trade or commodity sold upon the premises.
3. That no mechanical or electrical equipment will be utilized in the home occupation other than that used for normal domestic purposes.
4. That no signs or displays shall be used in connection with a home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

JUNK YARD: A parcel of land on which waste material and/or inoperative vehicles and other machinery are collected, salvaged or sold.

LOT: A platted parcel of land intended to be separately owned, developed, or otherwise used as a unit, whether occupied or to be occupied by one (1) or more buildings and its (their) accessory building(s).

LOT AREA: The total horizontal area within the boundaries of a lot.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT DEPTH: The average horizontal distance from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE (THROUGH LOT): A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES (PROPERTY LINES): The lines bounding a lot as defined herein.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of St. Louis County; or a parcel of land which was legally approved and the deed recorded in the office of the Recorder of Deeds of St. Louis County prior to the adoption of this Title. A Deed of Trust is not to be considered a deed by the terms of this definition.

LOT WIDTH: The average horizontal distance between the side lot lines.

MAINTAIN A KENNEL: The use of land or buildings for the purpose of selling, breeding, boarding or training dogs or cats or both; or the keeping of three (3) or more dogs over two (2) months of age; or the keeping of three (3) or more cats over two (2) months of age; or the keeping of more than four (4) dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

NON-CONFORMING LAND USE OR STRUCTURE: A land use or structure which existed lawfully on the date this Zoning Code or any amendment thereto became effective and which fails to conform to one (1) or more of the applicable regulations in the Zoning Code or amendment thereto.

NURSERY, DAY: A building used for the supervision and care of more than five (5) preschool children, other than those of the operator, during daylight hours.

NURSERY SCHOOL: A pre-kindergarten school for children primarily between the ages of three (3) to five (5).

NURSING HOME: A building intended for use as a medical care facility for persons who need nursing care and medical service but do not require intensive hospital care.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

OPEN SPACE, PUBLIC: Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreational areas, school sites, community or public building sites, and other public lands.

OPEN STORAGE: Storage of material or goods on the ground outside of a building.

PARCEL: A separately designed area of land delineated by identifiable legally recorded boundary lines.

PARK: An area open to the general public and reserved for recreational, educational or scenic purposes.

PARKING AREA, PUBLIC: An open area, other than a street or alley, used for the temporary parking (one (1) day or less) of self-propelled vehicles, and which is available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING AREA, SEMI-PUBLIC: An open area, other than a street or alley, used for temporary parking (one (1) day or less) of self-propelled vehicles as an accessory use to such land uses as semi-public institutions, schools, churches, hospitals and non-commercial clubs.

PARKING SPACE: A durable, dustproof surface property graded for drainage, useable and accessible space; enclosed in a main building, in an accessory building, or unenclosed, and which contains not less than three hundred (300) square feet of area including accessory driveways and space between vehicles.

PEDESTRIAN WAY: An easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PERMITTED BY RIGHT: Uses which are listed in each zoning district under the title "Permitted Land Uses and Developments".

PERSONAL SERVICES: Those activities which offer or deliver services to an individual's person on the premises; excluding, however, those services offered or delivered to an individual's person from a professional or non-professional office.

PLANNING COMMISSION: The Planning Commission of the Village of Riverview, Missouri.

PLANNING COMMISSION REPRESENTATIVE: An official designated as such by the Planning Commission of Riverview, Missouri, for matters pertaining to the subdivision of land. Unless stated otherwise, this representative will be the Building Commissioner of Riverview, Missouri.

PLAT (RECORD): A subdivision of land legally approved and recorded.

PROPERTY LINE: The legally recorded boundary of a lot, tract or other parcel of land.

PUBLIC UTILITY FACILITY: A public utility facility serving a wide area, such as a high voltage transmission tower or a power generation plant.

PUBLIC UTILITY FACILITY, LOCAL: A public utility facility serving a local area only, such as an electric substation, a water or gas pumping or regulating station, or a telephone switching center.

RECREATIONAL VEHICLE: Any vehicle which relates to or is used primarily for recreational activities.

RESIDENCE: Any building, or portion thereof, which is designed or used exclusively for residential purposes; except hotels, motels, dormitories and boarding houses.

RESTAURANT: An establishment where the sale of foods prepared for consumption on the premises represents the major source of income for the establishment.

RESTAURANT, DRIVE-IN: An establishment where food and/or beverage is sold to the consumer, where motor vehicle parking space is provided, and where provisions are made to permit such food and/or beverage to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside the main building.

RETREAT: A building or group of buildings with designated open areas utilized and maintained for educational and religious conclaves, seminars and similar activities by particular educational, religious, fraternal or other groups.

ROADWAY WIDTH OR SURFACE WIDTH: That portion of any street between the curbs which is designated for vehicular traffic.

SEMI-FINISHED MATERIAL: Material which has gone through one (1) or more stages of processing.

SERVICE STATION: Any structure or premises used for dispensing or sale at retail of automotive vehicle fuels or lubricants, and for the lubrication of automobiles and replacement or installation of minor parts and accessories; excluding, however, major repair work, such as motor replacement, body and fender repair, spray painting, and the storage of junk or vehicles for sale.

SETBACK: The average horizontal distance between the building line and the lot line.

SIGNS:

ADVERTISING SIGN: An off-premises sign.

ATTACHED SIGN: A flat, projecting, roof, wall or canopy roof sign.

BUSINESS SIGN: A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

CANOPY ROOF SIGN: A sign attached to a roof-like shelter that projects from a building, generally over a walkway.

DETACHED SIGN: A sign not attached to or painted on a building, but which is mounted on a separate structure which is affixed to the ground. A sign attached to a flat surface such as a fence or wall which is not part of a building shall be considered a detached sign.

DIRECTIONAL SIGN: A sign identifying entrances, exits, aisles, ramps and similar traffic-related information.

DISPLAY SIGN: A sign located on and incidental to a display of merchandise.

DOUBLE-FACED SIGN: A sign with two (2) parallel or nearly parallel faces, back to back and not more than twenty-four (24) inches apart.

FLASHING SIGN: An illuminated sign on which an artificial or reflected light is not continuous in intensity and color. Any illuminated sign which is not stationary shall be considered a flashing sign.

FLAT SIGN: Any sign attached, erected or painted parallel to the exterior face of a wall or painted on a window pane of a building which is supported throughout its length by such wall or building, with the front edge of the sign not extending more than eighteen (18) inches from the face of the building wall.

HEIGHT OF SIGN: The vertical distance measured from either the ground elevation of the structure supporting the sign or the upper surface of the nearest curb or edge of a street, whichever is lower, to the highest point of a sign.

ILLUMINATED SIGN: Any sign designed to internally give forth artificial light or designed to reflect light from one (1) or more exterior sources of artificial light erected for the sole purpose of illuminating the sign.

INDIRECTLY ILLUMINATED SIGN: A sign which does not produce artificial light from within itself but which is illuminated by spotlights, floodlights, or other artificial light source(s) not a part of the sign itself.

INFORMATION SIGN: A sign which identifies a non-commercial or institutional activity such as historic markers, school activity signs or church bulletin boards.

INTERNALLY ILLUMINATED SIGN: A sign so designed that its source of artificial light is contained within itself and said source is not directly visible when in normal operation.

MECHANICAL SIGN: A sign that contains moving parts; creates the effect or illusion of having any moving parts; or has flashing or intermittent lighting.

OFF-PREMISES SIGN: A sign which contains a message unrelated to a premises or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

OUTLINE AREA: The area enclosed by the perimeter of the face of a sign but not including structure supports.

PROJECTING SIGN: A sign which is attached to and whose front edge projects more than eighteen (18) inches from the face of a wall of a building.

ROOF SIGN: A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

SIGN: A name, identification, description, display or illustration which is affixed to, or points out, a building, structure or tract of land, and which directs attention to an object, product, place, person, service, activity, institution, organization or business.

SIGN AREA: The area of a sign shall include the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. The perimeter shall not include any structural or framing elements lying outside the perimeter and not an integral part of the sign.

TEMPORARY SIGN: A sign which is intended to promote community or civic projects, construction projects, real estate for sale, rental or lease, or other special events and intended for non-permanent use whose size and duration is defined in applicable sign regulations set forth herein.

WARNING SIGN: A sign which is intended to give notice of danger or possible harm.

SLOPE: The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

SPECIALIZED PRIVATE SCHOOL: An institution emphasizing specialized and individual instruction for students at the grade school, junior or senior high school level.

STABLE, PRIVATE: A separate accessory building for horses owned by the owners or occupants of the premises.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the surface of the floor and the ceiling above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the top floor level of such story.

STREET: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally occur within the right-of-way. It shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place and court, but shall not include an alley or a pedestrian way.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or which is attached to something having a permanent location on the ground.

SUBSTANCE ABUSE TREATMENT FACILITY: A residential or outpatient facility for the treatment of alcohol or other drug abuse licensed and certified as such by the Missouri Division of Alcohol and Drug Abuse of the Department of Mental Health, pursuant to Section 630.655, RSMo., or such other Statutes.

SUBSTANTIAL CONSTRUCTION, DEVELOPMENT OR WORK:

1. In a project involving structures, the completion of excavation for footings and foundations.
2. In a project involving no structure or insignificant structures, the completion of grading.

TRACT: An area or parcel of land which the developers intend to subdivide and/or improve, or to cause to be subdivided and/or improved pursuant to the requirements of this Title.

TRAILER: A vehicle designed to be hauled (excludes mobile homes).

USE: As utilized herein, use is any functional, social or economic or technological activity which is imposed or applied to land or to structures on the land.

USED OR NEW AUTOMOBILE, TRUCK OR OTHER MOTOR VEHICLE DEALER: A dealer in used or new automobiles, trucks, recreational vehicles or other motor vehicles when purchased or sold as a unit and any enfranchised new car dealer operating a used car or truck department.

VARIANCE: A modification or variation of the provisions of this Title as applied to a specific piece of property and approved by the Board of Adjustment, except that modification in the allowable uses within a district shall not be considered a variance.

VETERINARY CLINIC: A facility for the practice of veterinary medicine.

WAREHOUSE: A structure for use as a storage place for goods, material or merchandise.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or unenclosed porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR: A required yard extending across the full width of the lot at the opposite end of the lot from the front yard and measured between the rear line of the lot and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, unenclosed porches, patios or terraces.

On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, SIDE: A yard extending from the rear line of the required front yard to the rear lot line.

In the case of corner lots, the side yards shall be considered as parallel to the street that the lot has its greatest dimension. (R.O. 2006 §400.030; Ord. 31, Bill 238 §3; Ord. 31, Bill 367; Ord. No. 90-19 §1, 11-19-90; Ord. No. 00-09 §1, 5-25-00)

SECTION 405.040: AMENDMENTS TO ZONING CODE—PROCEDURE

The Board of Trustees shall provide for the manner in which such regulations and restrictions and boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearings shall be published in an official paper or a paper of general circulation of the Village. (R.O. 2006 §400.040; Ord. No. 90-6 §1, 2-19-90)

SECTION 405.050: CHANGE IN REGULATIONS, RESTRICTIONS AND BOUNDARIES—PROTESTS—PROCEDURE

Any regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Trustees. Public hearing and notice by publication required for any zoning shall apply equally to all changes or amendments. (R.O. 2006 §400.050; Ord. No. 90-6 §1, 2-19-90)

SECTIONS 405.060—405.100: RESERVED**ARTICLE II. ZONING DISTRICTS****SECTION 405.110: ESTABLISHMENT OF DISTRICTS—ZONING MAP**

For the purpose of this Title, the Village of Riverview, Missouri, is divided into the following zoning districts:

<i>District Classification</i>	<i>Code Designation</i>
"PS" Park and Scenic	"PS"
"R-1" Single-Family Residence	"R-1"
"R-2" Single-Family Residence	"R-2"
"R-3" Multiple-Family Residence	"R-3"
"PR" Planned Residence	"PR"
"C-1" Neighborhood Commercial	"C-1"
"C-2" Shopping, Service and Office Commercial	"C-2"
"PC" Planned Commercial	"PC"
"PC/R" Planned Commercial and/or Residential	"PC/R"
"I" Industrial	"I"
"PI" Planned Industrial	"PI"

The boundaries of these districts are hereby established as shown on the "Riverview Zoning Map" which shall bear the date of adoption of this Title and its number; the signature of the Village Clerk; and the Seal of the Village. Said map is incorporated herein as a part of this Title. All district classifications, however, need not appear on the Zoning Map at one time. Said map, with all subsequent amendments thereto, supersedes all prior Zoning Maps of the Village. Official copies of said map shall be maintained in the office of the Building Commissioner and shall be public record. All subsequent amendments to the Zoning Map shall be designated on said official copies by date of adoption and number of the amending ordinance. The Building Commissioner may, at his/her discretion, cause the "Riverview Zoning Map" and its official copies thereof to be photographed, microphotographed, photostated or reproduced on film. Said maps, when so reproduced, shall be deemed to be an original record for all purposes. (R.O. 2006 §405.010; Ord. 31, Bill 238 §4)

SECTION 405.120: INTERPRETATION AND EXTENSION OF DISTRICT BOUNDARIES

- A. The Board of Zoning Adjustment shall interpret the provisions of this Title. Any area which is added to or becomes a part of Riverview, Missouri, shall be in the "R-2" Single-Family Residence District classification until changed by ordinance designating another district classification to such area.
- B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - 1. The district boundaries are the centerlines of streets and/or alleys unless otherwise shown. Where the districts designated on the Zoning Map are bounded approximately by the centerline of a street and/or alley, such centerline shall be construed to be the boundary of such district.
 - 2. Where the district boundaries are not otherwise indicated or when the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the districts designated on the Zoning Map are bounded approximately by lot lines, such lot lines shall be construed to be the boundary of such district unless the boundaries are otherwise indicated on the map.
- C. Whenever any street, alley or other public way is vacated by the Board of Trustees of the Village of Riverview, Missouri, the St. Louis County Council or the State of Missouri, the zoning districts adjoining or on each side of such street, alley or public way shall automatically be extended to the centerline of such vacation and all area included in the vacation shall then be subject to all applicable regulations of the extended districts. (R.O. 2006 §405.020; Ord. 31, Bill 238 §5)

SECTION 405.130: DISTRICT REGULATIONS

The use and development of land and structures within any zoning district are limited to those uses and developments set forth in those Sections of this Title applicable to such district. (R.O. 2006 §405.030; Ord. 31, Bill 238 §6)

SECTION 405.140: "PS" PARK AND SCENIC DISTRICT REGULATIONS

- A. The "PS" Park and Scenic District encompasses land which has recreational and scenic value and

is owned by public agencies or land in which public agencies have some lesser legal interest. This district is established to assist in providing for the community's cultural values by preserving certain lands for passive and active recreational purposes. This district may include land having recreational, scenic and open space values owned by a not-for-profit organization; or land in which such organization has some lesser legal interest, upon the application and approval for a change of zoning petition and/or a conditional use permit. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

B. *Permitted Land Uses And Developments.*

1. Public parks and playgrounds.
2. Wildlife habitats.
3. Dwellings, dormitories, and accessory buildings and structures for the exclusive use of park-operating personnel.
4. Historic sites and buildings.
5. Local public utility facilities, provided that any installation other than poles and equipment attached thereto shall be adequately screened with landscaping, fencing, walls or shall be placed underground or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
6. Information and directional signs.
7. Accessory buildings, land uses and activities customarily incidental to any of the above uses.

C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter.

1. Underground and above ground public utility transmission and distribution lines and pipelines, including booster stations.
2. Not-for-profit private parks and playgrounds.
3. Retreats owned and operated by religious, educational or other not-for-profit establishments.
4. Accessory buildings, land uses and activities incidental to the above uses.

D. *Height Limitations For Structures.* No structure in this district, other than a public utility tower authorized by a conditional use permit, shall exceed thirty-five (35) feet in height above the average natural grade of the perimeter of the lot or tract upon which it is located unless it is set back from all property lines not facing a public street at least one (1) additional foot for every foot of height above thirty-five (35) feet.

E. *Lot Dimension, Lot Area And Yard Requirements.*

1. No structure other than a permitted sign shall be erected within twenty-five (25) feet of any lot or property line.

2. In the case of corner lots, no structure or planting exceeding thirty-six (36) inches in height may be erected or installed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.

F. *Off-Street Parking Requirements.*

1. All uses allowed in this district shall provide sufficient parking space for employees', visitors', or customers' vehicles so as to ensure that no such vehicle need be parked on any street.
2. Parking areas, including driveways, shall be of a dust-free surface.
3. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign Regulations.* Signs in the Park and Scenic District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements:

1. Allowable signs:
 - a. Exempt signs (see Section 405.460).
 - b. Special purpose signs (see Section 405.470).
 - c. Information signs (see Section 405.500).
 - d. Directional signs (see Section 405.510).

(R.O. 2006 §405.040; Ord. 31, Bill 238 §7)

SECTION 405.150: "R-1" SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

A. This Section contains the district regulations of the "R-1" Single-Family Residence District. The predominant use is intended to be low density residential development. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

B. *Permitted Land Uses And Developments.*

1. Detached single-family dwellings.
2. Churches.
3. Home occupations.
4. Local public utility facilities, provided that any installation other than poles and equipment attached thereto shall be adequately screened with landscaping, fencing, walls or shall be placed underground, or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

5. Information and directional signs.
 6. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
 7. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
- C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter.
1. Public and private not-for-profit community centers, libraries, museums, private clubs and recreational land uses.
 2. Retreats owned and operated by religious, educational or other not-for-profit establishments.
 3. Fire stations.
 4. Cemeteries.
 5. Private stables.
 6. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
- D. *Height Limitations For Structures.*
1. No residential structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
 2. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, shall be limited to a height of sixty (60) feet above the average finished ground elevation at the perimeter of such structure.
- E. *Lot Dimensions, Yard, Lot Area And Structure Area Requirements.*
1. Each single-family detached dwelling located within the "R-1" Residence District shall be located on a lot having a minimum area of ten thousand (10,000) square feet, a minimum frontage of seventy (70) feet, a minimum front yard of thirty (30) feet, a minimum side yard of eight (8) feet, and a minimum rear yard of twenty (20) feet or twenty percent (20%) of the lot depth, whichever is greater. However, accessory buildings may be located no closer than five (5) feet of any side lot line or ten (10) feet of any rear lot line.
 2. Any lot of record on the effective date of this Title, which contains less area and/or frontage than required in this Section, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses; provided however, that the property or lots adjoining the sides of said lot were held in different ownership and all were of record at the date of passage of this Title.
 3. Not-for-profit private clubs and retreats shall be situated or conducted on tracts of land at least

one (1) acre in area except as may be clearly indicated otherwise by the context of these regulations.

4. The Board of Trustees when approving conditional use permit for not-for-profit clubs and recreational land uses, including community centers, may allow the establishment of said use on tracts of land less than one (1) acre where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses of the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote the public health, safety and general welfare of Riverview; and where the related parking needs, outdoor facilities, size of buildings and potential membership of said developments and uses are deemed consistent with the intensity of land use in the neighborhood of said uses and developments. However, the minimum tract area for said developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.
5. Local public utility facilities shall have no minimum lot requirements.
6. Other than children's playground equipment, side and rear yards shall only contain permitted sign(s), boundary wall(s), fence, barbecue and/or pole lights which shall not exceed six (6) feet in height. Front yard fences must appear to be an integral part of the house (privacy fence for patio living). Chain-link fences in the front yard are disallowed. Any structure, boundary wall or fence to be erected in any front yard shall not exceed six (6) feet in height and must be approved by the Riverview Planning Commission.
7. No structures other than public signs, street lights, and public equipment required by law or planting, other than hardwood trees, exceeding thirty-six inches (36) in height may be located within the street right-of-way.
8. In the case of corner lots, there shall be a front yard on each street side. No planting or structure exceeding thirty-six inches (36) in height may be placed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property line thirty (30) feet from the intersection of the property line.
9. In the case of double frontage lots, there shall be a front yard along each street.
10. In the event that forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets, or for a distance of at least five hundred (500) feet in either direction, is developed with buildings set back from such street with a variation in setback of no more than six (6) feet, a structure may be located so as to approach no closer to the roadway than the average of existing buildings, but in no case shall any building be located closer than thirty (30) feet from the front property lines.

F. Off-Street Parking And Loading Requirements.

1. A minimum of one (1) paved off-street parking space located outside of the street right-of-way shall be provided for each dwelling unit. Only paved driveways, carports and/or garages will satisfy parking and driveway requirements.
2. Trailers, commercial vehicles, motor homes, and pickup trucks equipped with camper shells in

excess of twelve (12) inches over the cab must be parked on a paved driveway or under a paved carport or in a garage.

3. Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
 4. Auditoriums and other places of public assembly shall provide one (1) off-street parking space for every four (4) seats or one (1) parking space for every sixty (60) square feet of floor space for uses without fixed seats.
 5. All other uses shall provide sufficient parking spaces for employees' and visitors' automobiles so as to ensure that no such vehicle need be parked on any street, road or driveway.
 6. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet of gross floor area or fraction thereof in every non-residential structure. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
 7. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".
- G. *Sign And Lighting Requirements.* Signs in the "R-1" Single-Family Residential District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements:
1. *Allowable signs:*
 - a. Exempt signs (see Section 405.460).
 - b. Special purpose signs (see Section 405.470).
 - c. Informational signs (see Section 405.500).
 - d. Directional signs (see Section 405.510).
 - e. *Temporary signs.* One (1) temporary sign per parcel other than a sign promoting the sale, lease or rental of said parcel may be allowed provided the sign does not exceed twelve (12) square feet in area and has a maximum height of four (4) feet. Such signs shall be allowed for a period not to exceed fifteen (15) days and cannot be erected for the same purpose on the same property more than two (2) times during the calendar year.
 2. Signs for those non-residential uses existing in the district shall not exceed twelve (12) square feet in area nor five (5) feet in height above the average finished elevation of the ground at the perimeter of the signs' supports.
 3. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.
- H. *Landscape Requirements.*
1. Where a non-residential development is adjacent to a residential land use, a dense planting strip

and a six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards of that non-residential development where they abut said residential lot.

2. Except for single-family uses, all outdoor trash areas shall be surrounded by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.050; Ord. 31, Bill 238 §8; Ord. No. 90-1 §1, 1-15-90)

SECTION 405.160: "R-2" SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS

A. This Section contains the district regulations of the "R-2" Single-Family Residence District. The main difference between this district and the "R-1" District consists of the smaller minimum lot area requirement which provides for a higher density development than is allowed within the "R-1" District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

B. *Permitted Land Uses And Developments.*

1. Detached single-family dwellings.
2. Churches.
3. Public or private kindergarten, elementary, secondary and collegiate schools having a curriculum similar to that ordinarily given in public school.
4. Home occupations.
5. Local public utility facilities, provided that any installation other than poles and equipment attached thereto shall be adequately screened with landscaping, fencing, walls or shall be placed underground, or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
6. Information and directional signs.
7. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
8. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter:

1. Any conditional uses allowed in the "R-1" District.
2. Two (2) family dwellings.
3. Nursery schools and day nurseries.

4. Accessory buildings, land uses and activities customarily incidental to any of the above uses.

D. Height Limitations For Structures.

1. No residential structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
2. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, shall be limited to a height of sixty (60) feet above the average finished ground elevation at the perimeter of such structure.

E. Lot Dimensions, Yard, Lot Area And Structure Area Requirements.

1. Each single-family detached dwelling located within the "R-2" Residence District shall be located on a lot having a minimum area of seventy-five hundred (7,500) square feet, a minimum frontage of fifty (50) feet, a minimum front yard of twenty (20) feet, a minimum side yard of six (6) feet, and a minimum rear yard of fifteen (15) feet or twenty percent (20%) of the lot depth, whichever is greater. However, accessory buildings may be located no closer than five (5) feet of any side lot line or ten (10) feet of any rear lot line.
2. Two (2) family dwellings located within the "R-2" Residence District shall be situated on tracts of land providing at least eight thousand (8,000) square feet of lot area, a minimum lot frontage of fifty (50) feet, a minimum front yard of thirty (30) feet, a minimum side yard of five (5) feet, and a minimum rear yard of fifteen (15) feet or twenty percent (20%) of the lot depth, whichever is greater. However, accessory buildings may be located within three (3) feet of any side lot line or ten (10) feet of any rear lot line.
3. Any lot of record on the effective date of this Title, which contains less area and/or frontage than required in this Section, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses; provided however, that the property or lots adjoining the sides of said lot were held in different ownership and all were of record at the date of passage of this Title.
4. Nursery schools, day nurseries and kindergartens (separate) shall be situated on tracts of land of at least one-half (½) acre in area.
5. Not-for-profit private clubs, retreats and specialized private schools shall be situated or conducted on tracts of land at least one (1) acre in area except as may be clearly indicated otherwise by the context of these regulations.
6. The Board of Trustees, when approving conditional use permits for specialized private schools, not-for-profit clubs and recreational land uses, including community centers, may allow the establishment of said use on tracts of land less than one (1) acre where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses of the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote the public health, safety and general welfare of Riverview; and where the related parking needs, outdoor facilities, size of buildings and potential membership of said developments and uses are deemed consistent with the intensity of land use in the neighborhood of said uses and developments.

However, the minimum tract area for said developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.

7. Local public utility facilities shall have no minimum lot requirements.
8. Other than children's playground equipment, side and rear yards shall only contain permitted sign(s), boundary wall(s), fence, barbecue and/or pole lights which shall not exceed six (6) feet in height. Front yard fences must appear to be an integral part of the house (privacy fence for patio living). Chain-link fences in the front yard are disallowed. Any structure, boundary wall or fence to be erected in any front yard shall not exceed six (6) feet in height and must be approved by the Riverview Planning Commission.
9. No structures other than public signs, street lights, and public equipment required by law or planting, other than hardwood trees, exceeding thirty-six (36) inches in height may be located within the street right-of-way.
10. In the case of corner lots, there shall be a front yard on each street side. No planting or structure exceeding thirty-six (36) inches in height may be placed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property line thirty (30) feet from the intersection of the property line.
11. In the case of double frontage lots, there shall be a front yard along each street.
12. In the event that forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets, or for a distance of at least five hundred (500) feet in either direction, is developed with buildings set back from such street with a variation in setback of no more than six (6) feet, a structure may be located so as to approach no closer to the roadway than the average of existing buildings, but in no case shall any building be located closer than thirty (30) feet from the front property lines.

F. *Off-Street Parking And Loading Requirements.*

1. A minimum of one (1) paved off-street parking space located outside of the street right-of-way shall be provided for each dwelling unit. Only paved driveways, carports and/or garages will satisfy parking and driveway requirements.
2. Trailers, commercial vehicles, motor homes, and pickup trucks equipped with camper shells in excess of twelve (12) inches over the cab must be parked on a paved driveway or under a paved carport or in a garage.
3. Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
4. Public and private schools shall provide one (1) off-street parking space for each classroom and separate office in such school plus one (1) space for every four (4) students over the age of sixteen (16) whom the school is designed to accommodate. For purposes of calculating the number of secondary school pupils to whom this criterion refers, only pupils in the eleventh and twelfth grades shall be considered.
5. Auditoriums and other places of public assembly shall provide one (1) off-street parking space

for every four (4) seats or one (1) parking space for every sixty square (60) feet of floor space for uses without fixed seats.

6. All other uses shall provide sufficient parking spaces for employees' and visitors' automobiles so as to ensure that no such vehicle need be parked on any street, road or driveway.
7. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet of gross floor area in every non-residential structure. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
8. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign And Lighting Requirements.* Signs in the "R-2" Single-Family Residential District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements:

1. *Allowable signs.*
 - a. Exempt signs (see Section 405.460).
 - b. Special purpose signs (see Section 405.470).
 - c. Information signs (see Section 405.500).
 - d. Directional signs (see Section 405.510).
 - e. *Temporary signs.* One (1) temporary sign per parcel other than a sign promoting the sale, lease or rental of said parcel may be allowed provided the sign does not exceed twelve (12) square feet in area and has a maximum height of four (4) feet. Such signs shall be allowed for a period not to exceed fifteen (15) days and cannot be erected for the same purpose on the same property more than two (2) times during the calendar year.
2. Signs for those non-residential uses existing in the district shall not exceed twelve (12) square feet in area nor five (5) feet in height above the average finished elevation of the ground at the perimeter of the signs' supports.
3. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where a non-residential development is adjacent to a residential land use, a dense planting strip and a six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards of that non-residential development where they abut said residential lot.
2. Except for single-family and duplex land uses, all outdoor trash area shall be surrounded by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.060; Ord. 31, Bill 238 §9; Ord. No. 90-1 §2, 1-15-90)

SECTION 405.170: "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT REGULATIONS

- A. This Section contains the district regulations of the "R-3" Multiple-Family Residence District. The intent of these regulations is to provide a suitable residential environment for those areas whose principal use is or ought to be multiple-family dwellings. These regulations are supplemented and qualified by additional regulations which appear elsewhere in this Title.
- B. *Permitted Uses And Developments.*
1. Multiple-family dwellings.
 2. Churches.
 3. Public or private kindergarten, elementary, secondary and collegiate schools having a curriculum similar to that ordinarily given in public schools.
 4. Home occupations.
 5. Local public utility facilities, provided that any installation other than poles and equipment attached thereto shall be adequately screened with landscaping, fencing, walls or shall be placed underground, or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 6. Information and directional signs.
 7. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
 8. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
- C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter:
1. Any conditional land use or development permitted in the "R-1" and "R-2" Residence Districts.
 2. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
- D. *Height Limitations For Structures.*
1. No residential structure shall exceed three (3) stories in height.
 2. Any non-residential structure, other than a public utility tower authorized by a conditional use permit, shall be limited to a height of sixty (60) feet above the average finished ground elevation at the perimeter of such structure.
- E. *Lot Dimensions, Yard, Lot Area And Structure Area Requirements.*
1. Multiple-family structures shall be situated on tracts of land providing at least twenty-five

hundred (2,500) square feet of lot area for each dwelling unit, a minimum front yard of twenty (20) feet, a minimum side yard of ten (10), and feet a minimum rear yard of twenty (20) feet or twenty percent (20%) of the lot depth, whichever is greater.

2. Two (2) family dwellings shall be situated on tracts of land providing at least eight thousand (8,000) square feet of lot area, a minimum lot frontage of fifty (50) feet, a minimum front yard of twenty (20) feet, a minimum side yard of ten (10) feet, and a minimum rear yard of fifteen (15) feet or twenty percent (20%) of the lot depth, whichever is greater.
3. Nursery schools, day nurseries and kindergartens (separate) shall be situated on tracts of at least one-half ($\frac{1}{2}$) acre in area.
4. Except as otherwise provided in this Section, all conditional land uses in this district shall be situated or conducted on tracts of land at least one-half ($\frac{1}{2}$) acre in area; provided however, that the Board of Trustees, when approving a conditional use permit for specialized private schools, not-for-profit private clubs and recreational land uses, including community centers, may allow the establishment of said uses on tracts of land less than one-half ($\frac{1}{2}$) acre where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote the public health, safety and general welfare of Riverview; and where the related parking needs, outdoor facilities, size of buildings, and potential membership of said developments and uses are deemed consistent with the intensity of land uses in the neighborhood of said uses and developments. However, the minimum tract area for said developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.
5. No structure, other than a permitted sign, boundary wall or fence of less than six (6) feet in height, shall be erected within any front, side or rear yard. Permitted boundary walls and fences must be approved by the Riverview Planning Commission.
6. No structures or planting may be located in the street right-of-way to obscure motorists' view of oncoming traffic.
7. In the case of corner lots, there shall be a front yard on each street side. No structure or planting exceeding thirty-six (36) inches in height may be erected or installed within the triangular area bounded by the property lines thirty (30) feet from the intersection of the property lines.
8. In the case of double frontage lots, there shall be a front yard along each street.
9. In the event that forty percent (40%) or more of the frontage along one (1) side of a street between two (2) intersecting streets, or for a distance of at least five hundred (500) feet in either direction, is developed with building setback from such street with a variation in setback of no more than six (6) feet, a structure may be located so as to approach no closer to the roadway than the average of existing buildings, but in no case shall any setback distance be smaller than twenty (20) feet from the front lot line existing on the effective date of this Title.
10. No wall or any separate (detached) structure shall be located closer to any wall of another separate structure than as set out in the following table:

Walls	Front	Side	Rear	Walls of Detached Accessory Buildings
Front	50 feet plus additional 10 feet for each building over 2 stories	30 feet except 20 feet if side wall has no windows	100 feet	30 feet
Side	30 feet except 20 feet if side wall has no windows	20 feet	30 feet	10 feet
Rear	100 feet	30 feet	50 feet	20 feet
Any dimension given above shall include the side or rear yard requirement when any described wall faces the side or rear of a separately owned lot, whether or not any structure is located on said property.				

F. Off-Street Parking And Loading Requirements.

1. A minimum of two (2) paved off-street parking spaces, each three hundred (300) square feet in area, including adjacent driveways, shall be provided for each dwelling unit.
2. All motor vehicles and trailers must be parked off-street on a paved driveway and/or in a carport or garage. Multiple family developments shall provide adequate off-street parking for recreational vehicles, trailers and commercial vehicles in special areas for such specific uses.
3. Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
4. Schools shall provide one (1) off-street parking space for each classroom and separate office in such school, plus one (1) space for every four (4) students over the age of sixteen (16) whom the school is designed to accommodate. For purposes of calculating the number of secondary school pupils to whom this criterion refers, only pupils in the eleventh and twelfth grades shall be considered.
5. Auditoriums and other places of public assembly shall provide one (1) off-street parking space for every four (4) seats or one (1) parking space for every sixty (60) square feet of floor space for uses without fixed seats.
6. All other uses shall provide sufficient parking spaces for employees' and visitors' automobiles so as to ensure that no such vehicle need be parked on any street, road or driveway.
7. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet of gross floor area in every non-residential structure. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
8. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. Sign And Lighting Requirements. Signs in the "R-2" Single-Family Residential District shall conform

to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements:

1. *Allowable signs.*

- a. *Business signs.* For a multiple-family residential development, one (1) business sign may be allowed which can only state the name, address, telephone number, and type of unit(s) of the development and the name of the management thereof. If detached, the sign cannot exceed fifteen (15) square feet in outline area per facing or six (6) feet in height. If attached, the sign shall not project beyond the building horizontally or vertically, nor shall it cover more than five percent (5%) of the wall area to which it is attached, except that no such business sign shall exceed twenty-five (25) square feet in outline area.
 - b. Exempt signs (see Section 405.460).
 - c. Special purpose signs (see Section 405.470).
 - d. Information signs (see Section 405.500).
 - e. Directional signs (see Section 405.510).
2. Signs for those non-residential uses existing in the district shall not exceed twelve (12) square feet in area nor five (5) feet in height above the average finished elevation of the ground at the perimeter of the signs' supports.
3. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where a non-residential development is adjacent to a residential land use, a dense planting strip and a six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards of that non-residential development where they abut said residential lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.070; Ord. 31, Bill 238 §10)

SECTION 405.180: "PR" PLANNED RESIDENCE DISTRICT REGULATIONS

- A. This Section contains regulations intended to facilitate combinations of residential uses for which no provision is made in any other "R" Residence District and to permit flexibility in building types, relationships between buildings, and provision of supporting community facilities in the development of diverse, sound, urban environments under conditions of approved site and development plans. The required procedures are provided in Section 405.920 of this Chapter. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.
- B. *Permitted Uses And Developments.* Permitted uses allowed in the "R-1, "R-2" and "R-3" Districts.

- C. *Conditional Land Uses And Developments.* Conditional uses allowed in the "R-1", "R-2" and "R-3" Districts.
- D. *Height Limitations For Structures.* No residential structure shall exceed three (3) stories in height.
- E. *Lot Dimensions, Yard, Lot Area And Structure Area Requirements.*
1. Residential structures shall be situated on tracts of land providing at least twenty five hundred (2,500) square feet of lot area for each dwelling unit. A minimum front yard of twenty (20) feet, a minimum side yard of ten (10) feet, and a minimum rear yard of fifteen (15) feet or twenty percent (20%) of the lot depth, whichever is greater.
 2. All non-residential land uses in this district shall be situated or conducted on tracts of land at least one-half ($\frac{1}{2}$) acre in area; provided however, that the Board of Trustees when approving such uses may allow the establishment of said uses on tracts of land less than one-half ($\frac{1}{2}$) acre where the developments and uses contemplated are deemed consistent with good planning practice; can be operated in a manner that is visually compatible with the permitted uses in the surrounding area; are deemed essential or desirable to preserve and promote the public health, safety and general welfare of Riverview; and where the related parking needs, outdoor facilities, size of buildings, and potential membership of said developments and uses are deemed consistent with the intensity of land uses in the neighborhood of said uses and developments. However, the minimum tract area for said developments and uses shall not be less than the minimum tract area for dwelling units permitted in this district.
 3. No structure, other than permitted sign, boundary wall or fence of less than six (6) feet in height, shall be erected within any front, side or rear yard. Permitted boundary walls and fences must be approved by the Riverview Planning Commission.
 4. No structures or planting may be located in the street right-of-way to obscure motorists' view of oncoming traffic.
- F. *Off-Street And Loading Requirements.*
1. A minimum of two (2) paved off-street parking spaces shall be provided for each dwelling unit.
 2. All motor vehicles and trailers must be parked off-street on a paved driveway and/or in a carport or garage.
 3. Churches shall provide one (1) off-street parking space for each four (4) seats in the main auditorium of the church.
 4. Schools shall provide one (1) off-street parking space for each classroom and separate office in such school, plus one (1) space for every four (4) students over the age of sixteen (16) whom the school is designed to accommodate. For purposes of calculating the number of secondary school pupils to whom this criterion refers, only pupils in the eleventh and twelfth grades shall be considered.
 5. Auditoriums and other places of public assembly shall provide one (1) off-street parking space for every four (4) seats or one (1) parking space for every fifty (50) square feet of floor space for uses without fixed seats.

6. All other uses shall provide sufficient parking spaces for employees' and visitors' automobiles so as to ensure that no such vehicle need be parked on any street, road or driveway.
 7. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet of gross floor area in every non-residential structure. Each such loading space shall measure no less than ten by forty (10 x 40) feet.
 8. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".
- G. *Sign And Lighting Requirements.* Signs in the "PR" Planned Residential District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements:
1. *Allowable signs.*
 - a. *Business signs.* For a multiple-family residential development, one (1) business sign may be allowed which can only state the name, address, telephone number, and type of unit(s) of the development and the name of the management thereof. If detached, the sign cannot exceed fifteen (15) square feet in outline area per facing or six (6) feet in height. If attached, the sign shall not project beyond the building horizontally or vertically, nor shall it cover more than five percent (5%) of the wall area to which it is attached, except that no such business sign shall exceed twenty-five (25) square feet in outline area.
 - b. Exempt signs (see Section 405.460).
 - c. Special purpose signs (see Section 405.470).
 - d. Information signs (see Section 405.500).
 - e. Directional signs (see Section 405.510).
 2. Signs for those non-residential uses existing in this district shall not exceed twelve (12) square feet in area nor five (5) feet in height above the average finished elevation of the ground at the perimeter of the signs' supports.
 3. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.
- H. *Landscape Requirements.*
1. Where a non-residential development is adjacent to a residential land use, a dense planting strip and a six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards of that non-residential development where they abut said residential lot.
 2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.080; Ord. 31, Bill 238 §11)

SECTION 405.190: "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

- A. The "C-1" Neighborhood Commercial District is intended to authorize the provision of certain limited sales and service facilities located in residential communities and constituting a convenience to residents in the immediate neighborhood without being detrimental to the residential character of the neighborhood. This Section contains the district regulations of the "C-1" Commercial District. These regulations are supplemented and qualified by additional regulations which appear elsewhere in this Title.
- B. *Permitted Land Uses And Developments.*
1. Stores and shops in which food stuffs, beverages, pharmaceuticals, household supplies and personal use items are sold directly to the public for consumption elsewhere than on the premises.
 2. Local public utility facilities, provided that any installation other than poles and equipment attached thereto, shall be adequately screened with landscaping, fencing, walls or shall be placed underground, or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 3. Business, directional information signs.
 4. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
 5. Churches.
- C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter:
1. Barbershops and beauty parlors.
 2. Dry cleaning stores or pickup stations.
 3. Coin laundries or laundromats.
 4. Restaurants and bars.
 5. Public utility facilities.
 6. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
 7. Amusement centers.
- D. *Height Limitations For Structures.* No structure in this district, other than a public utility tower authorized by a conditional use permit, shall exceed one (1) story or fifteen (15) feet in height above the average natural grade of the perimeter of the lot or tract upon which it is located.
- E. *Lot Dimension, Lot Area And Yard Requirements.*
1. Every lot or tract of land in this district shall have an area of not less than six thousand (6,000) square feet.

2. There shall be a well maintained, landscaped rear yard having depth of not less than fifteen (15) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a rear yard is not required; except that if a rear yard is provided, it shall not be less than five (5) feet deep.
3. There shall be a well maintained, landscaped side yard having a depth of not less than ten (10) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a side yard is not required; except that if a side yard is provided, it shall not be less than three (3) feet wide.
4. There shall be a front yard having a depth of not less than twenty (20) feet.
5. A boundary wall or fence of six (6) feet in height or less may be erected within the front yard.
6. Every lot or tract of land shall have a frontage of not less than fifty (50) feet.
7. In the case of corner lots, no structure or planting exceeding thirty-six (36) inches height shall be erected or installed within the triangular area bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
8. Any lot of record on the effective date of this Title, which contains less area or possesses a lesser frontage than herein specified, may be used as a site for any use permitted by right as listed in Subsection (B) above, provided all other relevant requirements of this Title are met.

F. *Off-Street Parking And Loading Requirements.*

1. One (1) off-street parking space, three hundred (300) square feet in area, including adjacent driveway, shall be provided for passenger vehicles for each three hundred (300) square feet of gross commercial floor area in every building.
2. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign And Lighting Requirements.* Signs in the "C-1" Commercial District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

a. *Business signs.*

- (1) One (1) detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the development has frontage as long as the sign is not closer than fifteen (15) feet to the street right-of-way.
- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use maybe considered the same

as frontage on a street providing there is direct access to the use from the parking area and that said access is the primary access to said use.

- (3) Requirements for roof signs are given in Section 405.490 of Article III "Sign Regulations".
 - (4) Wall signs shall not extend beyond buildings in this district more than eighteen (18) inches horizontally and shall not project more than four (4) feet above the highest elevation of the roof or a total of thirty (30) feet above the ground grade, whichever is the lower elevation. No attached wall sign shall cover more than five percent (5%) of the wall area to which it is attached except that no wall sign shall exceed fifty (50) square feet in outline area.
- b. Exempt signs (see Section 405.460).
 - c. Special purpose signs (see Section 405.470).
 - d. Directional signs (see Section 405.510).
2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where commercial development is adjacent to a residentially zoned lot, a dense planting strip and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.090; Ord. 31, Bill 238 §12; Ord. No. 00-08 §1, 5-25-00)

SECTION 405.200: "C-2" SHOPPING, SERVICE AND OFFICE COMMERCIAL DISTRICT REGULATIONS

A. The "C-2" Shopping, Service and Office Commercial District encompasses areas wherein may be located offices or office related facilities and such stores and service facilities as will provide a wide range of goods and services for sale or hire to the general public. This Section contains the district regulations of the "C-2" Commercial District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

B. *Permitted Land Uses And Developments.*

1. All permitted uses allowed in the "C-1" District.
2. Stores, shops, personal service facilities, excluding massage parlors, automatic vending facilities, banks, markets, offices, recreational facilities, excluding drive-in theaters, golf practice driving ranges, and outdoor swimming pools, and associated work and storage areas required to carry on business operations in which goods and services of any kind are offered for sale or hire to the general public on the premises.

3. Business and professional offices.
 4. Business and professional services wholly accessory to office operations and activities.
 5. Local public utility facilities, provided that any installation other than poles and equipment attached thereto, shall be adequately screened with landscaping, fencing, walls or shall be placed underground, or any combination thereof; or shall be enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 6. Fire stations, postal stations, police stations, and office buildings for governmental agencies.
 7. Mortuaries.
 8. Medical and dental clinics.
 9. Animal hospitals and clinics.
 10. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
- C. Conditional land uses and developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter:
1. Conditional uses allowed in the "C-1" District.
 2. Service stations.
 3. Sales, rental and servicing, including repairs of new and used automobiles, trucks, motorcycles, trailers, construction equipment, agricultural equipment and boats.
 4. Commercial laundries or dry cleaning plants.
 5. Public utility facilities.
 6. Warehousing and wholesaling with live stocks or goods of materials other than live animals, explosives or flammable gases or liquids.
 7. Restaurants and bars.
 8. Professional and scientific laboratories and research facilities.
 9. Sales, servicing, repairing and renting of equipment used by business, industry and agriculture.
 10. Plumbing, air conditioning, heating and electrical equipment sales, warehousing and repair facilities.
 11. Dog and/or cat kennels.
 12. Accessory building, land uses and activities customarily incidental to any of the above uses.
 13. Amusement centers.

D. *Height Limitations For Structures.* No structure in this district, other than a public utility tower authorized by a conditional use permit, shall exceed fifty (50) feet in height above the average natural grade of the perimeter of such structure.

E. *Lot Dimension, Lot Area And Yard Requirements.*

1. There shall be a minimum lot area requirement of twelve thousand (12,000) square feet in this district.
2. There shall be a well maintained, landscaped rear yard having depth of not less than twenty (20) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a rear yard is not required; except that if a rear is provided, it shall not be less than five (5) wide feet.
3. There shall be a well maintained, landscaped side yard having a depth of not less than fifteen (15) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a side yard is not required; except that if a side yard is provided, it shall not be less than five (5) feet wide.
4. There shall be a front yard having a depth of not less than twenty (20) feet. A boundary wall or fence of six (6) feet in height or less may be erected within the front yard.
5. In the case of corner lots, no planting or structure exceeding thirty-six (36) inches in height shall be erected or installed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
6. Any lot of record on the effective date of this Title, which contains less area or possesses a lesser frontage than therein specified, may be used as a site for any use permitted by right as listed in Subsection (B) above, provided all other relevant requirements of this Title are met.

F. *Off-Street Parking And Loading Requirements.*

1. One (1) off-street parking space, three hundred (300) square feet in area, including adjacent driveway, shall be provided for passenger vehicles for each two hundred (200) square feet of gross commercial floor area in every building.
2. All other uses allowed in this district shall provide sufficient parking space for employees', customers' or visitors' vehicles so as to ensure that no such vehicle need be parked on any street.
3. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area in every building. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
4. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign And Lighting Requirements.* Signs in the "C-2" Commercial District shall conform to the

general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

a. *Business signs.*

- (1) One detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the development has frontage as long as the sign is not closer than fifteen (15) feet to the street right-of-way.
- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use maybe considered the same as frontage on a street, providing there is direct access to the use from the parking area and that said access is the primary access to said use.
- (3) Requirements for roof signs are given in Section 405.490 of this Chapter.
- (4) Wall signs shall not extend beyond buildings in this district more than eighteen (18) inches horizontally and shall not project more than four (4) feet above the highest elevation of the roof or a total of thirty (30) feet above the ground grade, whichever is the lower elevation. No attached wall sign shall cover more than five percent (5%) of the wall area to which it is attached except that no wall sign shall exceed fifty (50) square feet in outline area.

b. Exempt signs (see Section 405.460).

c. Special purpose signs (see Section 405.470).

d. Directional signs (see Section 405.510).

2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where commercial development is adjacent to a residentially zoned lot, a dense planting strip and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.100; Ord. 31, Bill 238 §13)

SECTION 405.210: "PC" PLANNED COMMERCIAL DISTRICT REGULATIONS

- A. The "PC" Planned Commercial district encompasses areas wherein may be located developments and uses permitted in the "C-1" Neighborhood Commercial District and the "C-2" Shopping, Service and

Office Commercial District. Within the planned commercial district, it is the purpose of these regulations to facilitate the establishment of developments and uses in locations where it would be appropriate to the area if they were to take place under conditions of approved site and development plans, under the required procedures provided in Section 405.920 of this Chapter. This Section contains the district regulations of the "PC" Planned Commercial District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

- B. *Permitted Land Uses And Developments.* Permitted uses allowed in the "C-1" and "C-2" Districts.
- C. *Conditional Land Uses And Developments.* Conditional uses allowed in the "C-1" and "C-2" Districts.
- D. *Height Limitations For Structures.* No structure, other than a public utility tower, shall exceed two (2) stories or thirty (30) feet in height above the average finished ground elevation at the perimeter of such structure.
- E. *Lot Dimension, Lot Area And Yard Requirements.*
 - 1. There shall be a minimum lot area requirement of twelve thousand (12,000) square feet in this district.
 - 2. There shall be a well maintained, landscaped rear yard having depth of not less than twenty (20) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a rear yard is not required; except that if a rear yard is provided, it shall not be less than five (5) feet deep.
 - 3. There shall be a well maintained, landscaped side yard having a depth of not less than fifteen (15) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a side yard is not required; except that if a side yard is provided, it shall not be less than five (5) feet wide.
 - 4. There shall be a front yard having a depth of not less than twenty (20) feet. A boundary wall or fence of six (6) feet in height or less may be erected within the front yard.
 - 5. In the case of corner lots, no planting or structure exceeding thirty-six (36) inches in height shall be erected or installed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
 - 6. Any lot of record on the effective date of this Title, which contains less area or possesses a lesser frontage than herein specified, may be used as a site for any use permitted by right as listed in Subsection (B) above, provided all other relevant requirements of this Title are met.
- F. *Off-Street Parking And Loading Requirements.*
 - 1. One (1) off-street parking space, three hundred (300) square feet in area, including adjacent driveways, shall be provided for passenger vehicles for each three hundred (300) square feet of gross commercial floor area in every building.
 - 2. All other uses allowed in this district shall provide sufficient parking space for employees',

customers' or visitors' vehicles so as to ensure that no such vehicle need be parked on any street.

3. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area in every building. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
4. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign And Lighting Requirements.* Signs in the "PC" Commercial District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

a. *Business signs.*

- (1) One (1) detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the development has frontage as long as the sign is not closer than fifteen (15) feet to the street right-of-way.
- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use may be considered the same as frontage on a street providing there is direct access to the use from the parking area and that said access is the primary access to said use.
- (3) Requirements for roof signs are given in Section 405.490 of this Chapter.
- (4) Wall signs shall not extend beyond buildings in this district more than eighteen (18) inches horizontally and shall not project more than four (4) feet above the highest elevation of the roof or a total of thirty (30) feet above the ground grade, whichever is the lower elevation. No attached wall sign shall cover more than five percent (5%) of the wall area to which it is attached except that no wall sign shall exceed fifty (50) square feet in outline area.

b. *Exempt signs (see Section 405.460).*

c. *Special purpose signs (see Section 405.470).*

d. *Directional signs (see Section 405.510).*

2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where commercial development is adjacent to a residentially zoned lot, a dense planting strip

and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.

2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.110; Ord. 31, Bill 238 §14)

SECTION 405.220: "PC/R" PLANNED COMMERCIAL AND RESIDENTIAL DISTRICT REGULATIONS

- A. The "PC/R" Planned Commercial and Residential District encompasses areas wherein may be located certain developments and uses permitted in the "PC" Planned Commercial District or "PR" Planned Residence District, either separately or in combination. Within the Planned Commercial and Residential District, it is the purpose of these regulations to facilitate the establishment of combinations of residential and commercial uses for which no provision is made in any other zoning district; to permit flexibility in building types, spatial relationships between buildings and a mix of certain residential and commercial uses in locations where it would be appropriate to the area if such uses were to take place under conditions of approved site and development plans, under the required procedures provided in Section 405.920 of this Chapter. This Section contains the district regulations of the "PC/R" Planned Commercial and Residential District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.
- B. *Permitted Land Uses And Developments.* Permitted uses allowed in the "R-1", "R-2", "R-3", "C-1" and "C-2" Districts.
- C. *Conditional Land Uses And Developments.* Conditional uses allowed in the "R-1", "R-2", "R-3", "C-1" and "C-2" Districts and substance abuse treatment facilities.
- D. *Height Limitations For Structures.* No residential structure in this district shall exceed three (3) stories in height. No commercial structure shall exceed two and one-half (2½) stories or forty (40) feet in height. All other structures except public utility towers shall not exceed forty (40) feet in height.
- E. *Lot Dimension, Lot Area And Yard Requirements.*
 1. Residential structures shall be situated on tracts of land providing at least twenty five hundred (2,500) square feet of lot area for each dwelling unit, a minimum front yard of twenty (20) feet, a minimum side yard of ten (10) feet and a minimum rear yard of fifteen (15) feet or twenty percent (20%) of the lot depth, whichever is greater.
 2. Commercial structures shall be situated on tracts of land providing at least twelve thousand (12,000) square feet of lot area for each such structure, a minimum front yard of twenty (20) feet, a minimum side yard of fifteen (15) feet where such use abuts a residential district and a minimum rear yard of twenty (20) feet or twenty percent (20%) of the lot depth, whichever is greater.
 3. The dimension, area and yard requirements for all other structures shall be as established in the conditions contained in the ordinance authorizing the establishment of the development, under the required processing procedures provided in Section 405.920 of this Chapter.

4. In the case of corner lots, no planting or structure exceeding thirty-six (36) inches in height shall be erected or installed within the triangular area bounded by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.
5. Any lot of record on the effective date of this Title, which contains less area or possesses a lesser frontage than herein specified, may be used as a site for any use permitted by right as listed in Section (B) above, provided all other relevant requirements of this Title are met.

F. *Off-Street Parking And Loading Requirements.*

1. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.
2. One (1) off-street parking space, three hundred (300) square feet in area, including adjacent driveway, shall be provided for passenger vehicles for each three hundred (300) square feet of gross commercial floor area in every building.
3. All other uses allowed in this district shall provide sufficient parking space for employees', customers' or visitors' vehicles so as to ensure that no such vehicle need be parked on any street.
4. One (1) paved off-street loading space shall be provided on the premises for each fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area in every non-residential building. Each such loading space shall measure no less than ten by forty (10 x 40) feet and shall have a height clear of obstructions of fourteen (14) feet.
5. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. *Sign And Lighting Requirements.* Signs in the Commercial District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

a. *Business signs.*

- (1) One (1) detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the development has frontage as long as the sign is not closer than fifteen (15) feet to the street right-of-way.
- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use maybe considered the same as frontage on a street providing there is direct access to the use from the parking area and that said access is the primary access to said use.
- (3) Requirements for roof signs are given in Section 405.490 of this Chapter.

- (4) Wall signs shall not extend beyond buildings in this district more than eighteen (18) inches horizontally and shall not project more than four (4) feet above the highest elevation of the roof or a total of thirty (30) feet above the ground grade, whichever is the lower elevation. No attached wall sign shall cover more than five percent (5%) of the wall area to which it is attached except that no wall sign shall exceed fifty (50) square feet in outline area.
- b. Exempt signs (see Section 405.460).
- c. Special purpose signs (see Section 405.470).
- d. Directional signs (see Section 405.510).
2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where commercial development is adjacent to a residentially zoned lot, a dense planting strip and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.120; Ord. 31, Bill 238 §15; Ord. No. 90-19 §2, 11-19-90)

SECTION 405.230: "I" INDUSTRIAL DISTRICT REGULATIONS

- A. The "I" Industrial District encompasses industrial areas wherein are located adequate transportation facilities, efficient land assembly, adequate topographic conditions and adequate provision of public utility facilities required by industry. This Section contains the district regulations of the "I" Industrial District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.
- B. *Permitted Land Uses And Developments.*
 1. Manufacturing, processing or fabrication of any commodity, except:
 - a. Facilities producing or processing explosives or flammable gases or liquids;
 - b. Facilities for animal slaughtering, meat packing or rendering;
 - c. Sulphur plants or rubber reclamation plants; and
 - d. Steel mills, foundries or smelters.
 2. Warehousing or wholesaling of manufactured goods; except for live animals, explosives or flammable gases or liquids which shall require a conditional use permit approved by the Board of Trustees.

3. Laundries and dry cleaning plants, not including personal and individual drop-off and pickup service.
 4. Public utility facilities.
 5. Research laboratories and facilities.
 6. Truck, bus and rail terminals.
 7. Police, fire and postal stations.
 8. Village Public Works Department facilities.
 9. Business, directional, information and advertising signs.
 10. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
- C. Conditional land uses or developments approved by the Board of Trustees under conditions and requirements specified in Section 405.920 of this Chapter.
1. Radio, TV, and communication transmitting or relay towers and facilities.
 2. Extraction of raw materials from the earth and processing thereof.
 3. Manufacturing of explosives and flammable gases and liquids.
 4. Warehousing, storage or wholesaling of explosives.
 5. Accessory buildings, land uses and activities customarily incidental to any of the above uses.
 6. Amusement centers.
 7. Amusement parks.
- D. *Height Limitations For Structures.* No structure, other than a public utility tower authorized by a conditional use permit, shall exceed two hundred fifty (250) feet in height above the average finished ground elevation at the perimeter of such structure.
- E. *Lot Dimension, Lot Area And Yard Requirements.*
1. There shall be a minimum lot area requirement of one (1) acre in this district.
 2. Not more than twenty-five percent (25%) of the lot containing any use authorized in this district shall be used for open storage of raw material, finished goods or any other material.
 3. There shall be a well maintained, landscaped rear yard having a minimum depth of fifty (50) feet when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a ten (10) foot minimum rear yard shall be required.
 4. There shall be well maintained, landscaped side yard having a minimum width of fifty (50) feet

when abutting a residentially zoned lot. When abutting a lot zoned and lying wholly within a non-residential district, a ten (10) foot minimum side yard shall be required.

5. There shall be a front yard having a minimum depth of thirty (30) feet.
6. There shall be no minimum frontage requirement in this district.

F. Off-Street Parking And Loading Requirements.

1. One (1) parking space for every two (2) employees on the largest shift, plus one (1) space for each vehicle used in operation of the use shall be provided for every use except offices or office buildings.
2. Every structure or building containing at least five thousand (5,000) square feet of gross floor area shall provide off-street loading space measuring not less than ten by forty (10 x 40) feet and having a height, clear of all obstructions, of fourteen (14) feet, according to the following schedule:

<i>Gross Floor Area</i>	<i>Number of Loading Spaces</i>
5,000 square feet to 24,000 square feet	1
24,001 square feet to 60,000 square feet	2
60,001 square feet to 96,000 square feet	3
96,001 square feet to 144,000 square feet	4
144,001 square feet to 192,000 square feet	5
192,001 square feet to 240,000 square feet	6
240,001 square feet to 294,000 square feet	7
294,001 square feet to 348,000 square feet	8
For each additional 54,000 square feet	1 additional space

3. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

G. Sign And Lighting Requirements. Signs in the "I" Industrial District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

a. *Business signs.*

- (1) One (1) detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the

development has frontage as long as the sign is not closer than ten (10) feet to the street right-of-way.

- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use may be considered the same as frontage on a street providing there is direct access to the use from the parking area and that said access is the primary access to said use.
 - (3) Requirements for roof signs are given in Section 405.490 of this Chapter.
 - (4) Wall signs must be flat and shall not project beyond the building horizontally or vertically. Each sign may be equal in outline area to not more than five percent (5%) of the area of the wall of which it is attached, except that no such wall sign shall exceed three hundred (300) square feet in outline area.
- b. Exempt signs (see Section 405.460).
 - c. Special purpose signs (see Section 405.470).
 - d. Directional signs (see Section 405.510).
2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

H. *Landscape Requirements.*

1. Where industrial development is adjacent to a residentially zoned lot, a dense planting strip and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.130; Ord. 31, Bill 238 §16; Ord. 31, Bill 363; Ord. No. 90-2 §3, 1-15-90; Ord. No. 08-23 §1, 5-12-08)

SECTION 405.240: "PI" PLANNED INDUSTRIAL DISTRICT REGULATIONS

- A. The "PI" Planned Industrial District encompasses industrial areas wherein may be located developments and uses permitted in the "I" Industrial District. Within the Planned Industrial District, the purpose of these regulations is to facilitate the establishment of combinations of developments and uses not provided for in the "I" Industrial District, or the establishment of developments and uses in locations where such developments and uses would be appropriate to the area if development were to take place under conditions of approved site and development plans, under the required procedures provided in Section 405.920 of this Chapter. This Section contains the district regulations of the "PI" Planned Industrial District. These regulations are supplemented and qualified by additional general regulations which appear elsewhere in this Title.

B. *Land Uses And Developments.*

1. Permitted and conditional land uses allowed in the "I" District.

2. Office buildings for governmental agencies.
3. Public works garages.

C. *Height Limitations For Structures.* The height limitations for structures in this district shall be as established in the conditions contained in the ordinance authorizing the establishment of the development, under the processing procedures provided in Section 405.920 of this Chapter.

D. *Lot Dimension, Lot Area And Yard Requirements.*

1. There shall be a minimum lot area requirement of one (1) acre in this district.
2. Not more than twenty-five percent (25%) of the lot containing any use authorized in this district shall be used for open storage of raw material, finished goods or any other material.
3. There shall be a well maintained, landscaped rear yard having a minimum depth of fifty (50) feet when abutting a residentially zoned lot.
4. There shall be well maintained, landscaped side yard having a minimum width of fifty (50) feet when abutting a residentially zoned lot.
5. There shall be a front yard having a minimum depth of thirty (30) feet.
6. There shall be no minimum frontage requirement in this district.

E. *Off-Street Parking And Loading Requirements.*

1. One (1) parking space for every two (2) employees on the largest shift plus one (1) space for each vehicle used in operation of the use shall be provided for every use except offices or office buildings.
2. Every structure or building containing at least five thousand (5,000) square feet of gross floor area shall provide off-street loading space measuring not less than ten by forty (10 x 40) feet and having a height, clear of all obstructions, of fourteen (14) feet, according to the following schedule:

<i>Gross Floor Area</i>	<i>Number of Loading Spaces</i>
5,000 square feet to 24,000 square feet	1
24,001 square feet to 60,000 square feet	2
60,001 square feet to 96,000 square feet	3
96,001 square feet to 144,000 square feet	4
144,001 square feet to 192,000 square feet	5
192,001 square feet to 240,000 square feet	6
240,001 square feet to 294,000 square feet	7
294,001 square feet to 348,000 square feet	8
For each additional 54,000 square feet	1 additional space

3. Off-street parking requirements shall conform to Section 405.660 of this Chapter entitled "Supplementary Off-Street Parking Regulations".

F. *Sign And Lighting Requirements.* Signs in the "PI" Planned Industrial District shall conform to the general sign regulations outlined in Article III "Sign Regulations" of this Chapter and to the following specific sign requirements.

1. *Allowable signs.*

- a. *Business signs.*

- (1) One (1) detached business sign not exceeding thirty (30) feet in height nor fifty (50) square feet in outline area per facing is allowed for each street on which the development has frontage as long as the sign is not closer than ten (10) feet to the street right-of-way.
- (2) One (1) attached wall or roof business sign is allowed for each permitted use on the premises and for each street on which a permitted use has frontage. For the purpose of this Section, frontage on a parking area serving this use may be considered the same as frontage on a street providing there is direct access to the use from the parking area and that said access is the primary access to said use.
- (3) Requirements for roof signs are given in Section 405.490 of this Chapter.
- (4) Wall signs must be flat and shall not project beyond the building horizontally or vertically. Each sign may be equal in outline area to not more than five percent (5%) of the area of the wall on which it is attached, except that no such wall sign shall exceed three hundred (300) square feet in outline area.

- b. Exempt signs (see Section 405.460).

- c. Special purpose signs (see Section 405.470).

- d. Directional signs (see Section 405.510).

2. All exterior lighting shall be so arranged to ensure that no direct light will be cast on adjoining streets or properties.

G. *Landscape Requirements.*

1. Where industrial development is adjacent to residentially zoned lots, a dense planting strip and six (6) foot high sightproof fence shall both be provided and maintained in good condition within the required side and rear yards where they abut said residentially zoned lot.
2. All outdoor trash areas shall be screened by a six (6) foot high sightproof fence that shall be maintained in good condition. (R.O. 2006 §405.140; Ord. 31, Bill 238 §17; Ord. 31, Bill 363)

SECTION 405.250: GENERAL REGULATIONS—HOME CHILD CARE CONDITIONAL USE

- A. Home child care facilities may be permitted as a conditional accessory use and home occupation in

any building lawfully used as a single-family dwelling in any zoning district upon issuance of a conditional use permit as hereinafter provided.

- B. Child care facilities which are limited to providing care for no more than six (6) children not residing on and listed on the occupancy permit for the premises may be provided as a home occupation in a residence if the property owner(s) and, if different, the adult occupant(s) of the property, apply for and are issued a conditional use permit pursuant to this Section and Section 405.920 of this Chapter. No permit for a home day care facility may be issued to any person who does not personally provide day care service to the children in attendance, and no facility may be permitted, or allowed to continue to operate, if any person not residing in the home is involved in providing care to the children in attendance. Any permit issued under the provisions of this Section shall be so limited such that the number of children on the premises under the age of thirteen (13) years, including the operator's children, shall not exceed ten (10) at any one time. Provided however, that any person having a home child care license issued by the State of Missouri prior to May 1, 2000, authorizing care for more than six (6) children in the licensee's home in the Village of Riverview may apply for and, if otherwise qualified and subject to the other conditions and restrictions of this Section, be issued a permit under the provisions of this Section to provide care for that number of children allowed under the State license as issued on or before May 1, 2000.
- C. The contour data, tree mass information, landscaping plan, section profiles, right-of-way and net area information application requirements of Subsections (B)(2)(b), (c), (e), (f), (h) and (i) of Section 405.920 of this Chapter shall not apply to applications for home day care conditional use permits. For purposes of a permit under the terms of this Subsection only, the site plan required by Subsection (B)(2)(a) of Section 405.920 of this Chapter need not provide a surveyor's seal or statement of verification. The application for a home day care conditional use permit shall include:
1. A diagram of the main building on the property designating the areas to be utilized in providing the service and the number of square feet on the premises available for outside recreation for the children;
 2. Any and all physical changes to be made to the interior or exterior of the property in association with such service;
 3. Copies of any State child day care license application and any license issued by the State which may be applicable;
 4. Detailed information as to the days and hours during which service is to be available;
 5. The maximum number of children to be cared for, including children residing in the home under the age of thirteen (13) years; and
 6. Information as to how parking for clients is to be provided.
- D. Upon receipt of the application and any applicable processing fee, the application shall be forwarded to the Planning and Zoning Commission for hearing in accord with the requirements of Section 405.920 of this Chapter. If, in addition to the criteria set forth in Section 405.920(B)(7), the Commission finds:
1. The service can be provided without disturbing the appearance and tranquility of the neighborhood;

2. The premises can accommodate the reasonably required off-street parking and any physical changes reasonably necessary to provide the service; and
 3. That there are at least seven hundred fifty (750) square feet of contiguous, fenced outside play area in the rear yard of the premises regardless of the number of children to be cared for, and that such play area does not include any common ground, public property or any other property where possession is in fact shared with other residents or where other residents have the right to use such property, it may recommend approval of the application, subject to such reasonable conditions as may be necessary to avoid adverse impact on nearby properties.
- E. After review by the Commission the application is to be forwarded to the Board of Trustees for consideration in accord with the procedures in Section 405.920(B) of this Chapter. If the Board finds in the affirmative as to the criteria set forth in Section 405.920(B)(7) and the criteria set forth above, a permit may be issued and/or issued subject to such reasonable conditions as may be determined by the Board to be necessary. Any permittee shall also be required to obtain and maintain in force any business license required by the ordinances of the Village of Riverview.
- F. A home day care permit shall not be issued, and may be revoked if previously issued, if it is determined by the Building Commissioner that the operator thereof, or any person regularly on the premises, has committed an act demonstrating a lack of fitness to care for children, including child molestation or abuse, theft, fraud, or any other act of moral turpitude.
- G. Any home day care permit shall not be issued, and may be revoked if previously issued, if the operator of the facility operates it in such a manner that the residential character of the neighborhood is disturbed. For this purpose, the operator shall not permit:
1. Excessive noise in connection with the operation of the facility which would annoy a person of ordinary sensibility; or
 2. Children to trespass on property where there is no permission for the children to enter; or
 3. Operation of the facility in such a manner as to cause damage to the property of others; or
 4. Operation of the facility in such a manner as to cause, or contribute to causing, the permitted premises to become deteriorated. (R.O. 2006 §405.150; Ord. No. 00-09 §2, 5-25-00)

SECTIONS 405.260—405.350: RESERVED

ARTICLE III. SIGN REGULATIONS

SECTION 405.360: GENERALLY

In order to carry out the provisions of these sign regulations, signs are divided into groups as set forth herein. Certain words and terms pertaining to signs are defined in Section 405.030 of this Chapter. General regulations pertaining to all signs are established herein. Specific district sign requirements are contained in the "District Regulations" Sections of this Title. (R.O. 2006 §410.010; Ord. 31 Bill 238 §19)

SECTION 405.370: SIGN PERMITS

No sign, unless exempted in Section 405.460, shall be erected, constructed, posted, painted, altered or relocated, except as provided in this Title, until a permit has been approved by the Riverview Board of Trustees. Before any permit is issued an application, forms of which are provided by the Building Commissioner shall be filed with the Building Commissioner together with a sign plan containing such drawings and specifications as may be necessary to fully advise and acquaint the Planning Commission and Board of Trustees with the location, construction materials, manner of illuminating, and securing or fastening, and the wording and/or delineation to be carried on the sign. (R.O. 2006 §410.020; Ord. 31, Bill 238 §19.1)

SECTION 405.380: STRUCTURAL APPROVAL AND INSPECTION

Structural and safety features and electrical systems shall be in accordance with the requirements of the latest edition of the Building Officials Conference of America (BOCA) Basic Building Code and National Electrical Code. No sign shall be approved for use unless it has been inspected by the Building Commissioner after installation and is found to be in compliance with;

1. Applicable technical codes,
2. Ordinance requirements, and
3. Sign plan requirements as approved by the Board of Trustees.

(R.O. 2006 §410.030; Ord. 31, Bill 238 §19.2)

SECTION 405.390: REMOVAL OF NON-CONFORMING SIGNS

Owners of all permanent non-conforming signs shall have one (1) year from the effective date of this Title to remove or bring said signs into conformance with applicable sign ordinance provisions. If this requirement is not met, the Village Attorney may then initiate legal action to achieve compliance with the provisions of this Title. (R.O. 2006 §410.040; Ord. 31, Bill 238 §19.3)

SECTION 405.400: OWNER SHALL BE RESPONSIBLE

The owner and/or tenant of the premises and the owner and/or erector of a sign shall be held responsible for any violation of these regulations; except that the erector of a sign shall be relieved of all responsibility under these regulations after the sign has been approved by the Board of Trustees and inspected by the Building Commissioner. (R.O. 2006 §410.050; Ord. 31, Bill 238 §19.4)

SECTION 405.410: VACATED PREMISES

Any sign previously associated with a vacated premises shall be removed from the premises by the lessee or owner not later than ninety (90) days from the time such activity ceases to exist. (R.O. 2006 §410.060; Ord. 31, Bill 238 §19.5)

SECTION 405.420: NEGLECTED OR DILAPIDATED SIGNS

All signs shall be maintained in good condition and appearance. The Board of Trustees may cause to be repaired or removed any sign which, in its opinion, shows gross neglect or becomes dilapidated. (R.O. 2006 §410.070; Ord. 31, Bill 238 §19.6)

SECTION 405.430: CONFLICT

The Building Commissioner shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within thirty (30) days after receiving written notice of violation from the Building Commissioner. The cost of removal shall be paid by the owner of the property upon which the sign was located and, if not paid within thirty (30) days from receipt of the bill, said cost shall become a lien against the property. Removal of a sign by the Building Commissioner shall not affect any legal proceedings instituted for sign violation prior to removal of said sign. (R.O. 2006 §410.080; Ord. 31, Bill 238 §19.7)

SECTION 405.440: PENALTIES

Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Section 405.1120 of this Chapter. (R.O. 2006 §410.090; Ord. 31, Bill 238 §19.8)

SECTION 405.450: APPEALS

Any appeal as to the interpretation of these regulations shall be in accord with those provisions contained in Section 405.1110 of this Chapter. (R.O. 2006 §410.100; Ord. 31, Bill 238 §19.9)

SECTION 405.460: EXEMPTED SIGNS

The following signs do not require permits:

1. Official traffic signs and their supports; directional, information or warning signs or sign supports; and street signs and their supports when erected or authorized to be erected by a governmental agency.
2. Temporary signs indicating danger.
3. Changing of the copy or parts of any sign that is required in the course of normal maintenance.
4. During the construction period of a development, a temporary sign which identifies the architects, engineers, contractors and other individuals or firms involved with the construction and announces the character of the building, enterprise or the purpose for which the building is intended, but not including any advertisement of any product; providing however, that there is only one (1) sign erected for each street frontage. The area of the sign for any one (1) firm shall not exceed nine (9) square feet in area or five (5) feet in height in residential districts and

fifteen (15) square feet in area or ten (10) feet in height in commercial and industrial districts. The sign shall be confined to the site of the construction and shall be removed within fourteen (14) days of the issuance of an occupancy permit for the structure with which the sign is associated.

5. Public notices and legal notices as required by law.
6. Signs on a truck, bus, trailer or other vehicle, while in use in the normal course of business. This is not to be interpreted to permit parking or storage of a vehicle to which signs are attached for merely advertising purposes.
7. Public signs of a non-commercial nature and in the public interest erected by or on the order of a public officer in the performance of his/her public duty including, but not limited to, safety signs, danger signs, trespassing signs, memorial plaques and signs of historical interest.
8. Political campaign signs announcing the candidates seeking public office and other data pertinent thereto, to a maximum height of six (6) feet, and to a maximum area for any one (1) sign of eight (8) square feet and a total sign area of sixteen (16) square feet for each premises. These signs shall be confined to private property, installed not more than thirty (30) days before the pertinent election, and shall be removed within seven (7) days after the said election.
9. Special decorative displays used for public holidays and then only for a maximum of thirty (30) days before and ten (10) days after the specific holiday.
10. Window display signs affixed to a window or part of a display of merchandise inside the window when limited in area to twenty percent (20%) of the total glass area of the window.
11. *Integral sign.* Name of building, date of erection, monumental citation, commemorative tablet and the like when carved into stone, concrete or similar material made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
12. One (1) nameplate per property not exceeding two (2) square feet in area, stationary and not illuminated, announcing only the name and occupation of the building occupant.
13. Barber poles that are not more than six (6) inches in diameter or more than twenty-four (24) inches in overall length.
14. Building street number and warning signs not exceeding one (1) square foot in sign area per sign. (R.O. 2006 §410.110; Ord. 31, Bill 238 §§19.10—19.10.14)

SECTION 405.470: SPECIAL PURPOSE SIGNS

The Board of Trustees subsequent to application to the Building Commissioner may issue permits for the following signs and displays when, in their opinion, the use of such signs and displays would be in the public interest and would not result in damage to public property.

1. *For a period of time not to exceed thirty (30) days.*
 - a. Signs advertising a special civic or cultural event such as a fair or exposition, play,

concert or meeting sponsored by a governmental or non-profit organization not exceeding twelve (12) square feet in area and four (4) feet in height.

- b. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
2. *For an indefinite period of time.* Time and temperature signs where deemed to be a service to the general public providing that portion of any sign solely displaying time and temperature does not exceed ten (10) square feet in area and providing that there are not other time and temperature signs within one thousand (1,000) feet of the proposed sign location. (R.O. 2006 §410.120; Ord. 31, Bill 238 §§19.11—19.11.2)

SECTION 405.480: PROHIBITED SIGNS

The following signs shall not be allowed in any district:

1. Signs of which all or any part moves or which appears to move by any means, including fluttering, rotating, or otherwise moving devices, or is set in motion by external sources (including, but not limited to, pennants, flags, propellers, etc.).
2. Signs displaying flashing or intermittent lights or lights of changing degrees of intensity.
3. Strips or strings of lights outlining property lines, sales area, roof lines, doors, windows, wall edges, or other architectural features of any building.
4. Any off-premises (advertising) sign, mechanical sign or flashing sign.
5. Signs painted on the surface of roofs that are visible from the public right-of-way.
6. Use of the word "stop", "slow" or "danger" when it implies the need or requirement for stopping or the existence of danger, or which is a copy or imitation of any official sign. This provision regarding the words "stop", "slow" or "danger" does not apply when they are part of titles for a broadcast, motion picture, theatre event, opera or concert, or when they are used in descriptive lines of advertising so long as they are not used to simulate, copy or imply any official traffic warning either for vehicles or pedestrians.
7. Signs so located and illuminated as to provide a background of colored lights blending with traffic signal lights which might confuse a motorist when viewed from normal approaching position of a vehicle. No sign shall be located so as to impair the visibility of any official highway sign or marker nor shall be so placed as to unnecessarily obstruct the visibility of any other sign.
8. *Projecting signs.* (Section 405.030)
9. Reserved.
10. Signs over streets, alleys and sidewalks.
11. No sign shall project over that portion of any street or alley right-of-way used or proposed to

be used for vehicular travel, except that this shall not apply to special purpose and public signs erected by public agencies or utilities in the performance of their work as required by law.

12. No sign projecting over any part of a sidewalk shall be erected less than eight (8) feet, measured vertically, above any part of such sidewalk, except for a barber pole that is not more than six (6) inches in diameter, twenty-four (24) inches in length and projects not more than ten (10) inches from the building wall to which it is attached.
13. *Light as a sign.* When the direct or indirect source of artificial lighting possesses a degree of intensity greater than twenty (20) foot-candles, measured at the object to be illuminated, when used to light any part of the exterior of a building, or when the use of any source or intensity of light is employed to outline any portion of the building or structure, other than illuminated as defined herein, the area illuminated shall not be considered in determining the number of permitted signs but shall be included in the computation of permitted sign area by calculating the area of the building lighted, or in the case of strip lighting, by multiplying the width of the source of light plus six (6) inches by the length of the source of light. (R.O. 2006 §410.130; Ord. 31, Bill 238 §§19.12—19.14; Ord. No. 98-23 §1, 11-19-98)

SECTION 405.490: ROOF SIGNS

Roof signs shall only be permitted on one-story buildings as follows:

1. On buildings with pitched roofs, the sign shall not be set back more than three (3) feet from the face of the wall of the building and shall not project above an imaginary line connecting the top of the roof with a point on the ground fifty (50) feet distant from the wall base of the building and at that point five (5) feet higher than the first (1st) floor elevation of the building.
2. On canopy roofs, where there is either a building wall or parapet wall for a background, the sign shall not be set back more than three (3) feet from the front edge of the canopy roof and shall not project above an imaginary line connecting the top of a building or parapet wall with a point on the ground fifty (50) feet distant from the wall base of the building and at that point five (5) feet higher than the first (1st) floor elevation of the building. However, in no case shall the top of the sign extend more than four (4) feet above the canopy roof. Whenever there is more than one (1) sign on the same canopy roof, they shall be set the same distance back from the front edge of the canopy roof.
3. The supporting members of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building. (R.O. 2006 §410.140; Ord. 31, Bill 238 §§19.15—19.15.3)

SECTION 405.500: INFORMATION SIGNS

Information signs shall not exceed sixteen (16) square feet in area per facing nor be more than six (6) feet in height if freestanding. Flat, wall information signs shall not extend beyond the perimeter of the wall surface to which they are attached. (R.O. 2006 §410.150; Ord. 31, Bill 238 §19.16)

SECTION 405.510: DIRECTIONAL SIGNS

Signs designating entrance and exit driveways shall be of rectangular design and shall contain the word "Entrance" or the word "Exit". The sign may be double-faced, non-illuminated, or internally illuminated by artificial light from within itself. Each directional sign shall not exceed five (5) square feet in area per facing nor four (4) feet in height and may be located where necessary, except that no such signs shall be located on or over a public right-of-way without approval of the responsible road agency. (R.O. 2006 §410.160; Ord. 31, Bill 238 §19.17)

SECTION 405.520: SIGNS FOR NON-CONFORMING USES

Permitted signs for a non-conforming residential, commercial or industrial use shall consist of those signs permitted in the most restrictive residential, commercial or industrial district, whichever use pertains. (R.O. 2006 §410.170; Ord. 31, Bill 238 §19.18)

SECTION 405.530: REAL ESTATE SIGNS

A. *Residential Property.* The dimensions and regulations for signs advertising that real estate in areas zoned residential in the Village is for sale or lease shall be as follows:

1. Only one (1) such sign may be erected.
2. The facing of a sign where advertising is to appear shall not be more than three (3) feet in length and two (2) feet in height with a maximum of two (2) facings. The maximum height of said signs shall not be more than three (3) feet above ground level.
3. No sign shall be placed on any easement or public right-of-way but must be on the real property offered for sale or lease only. No such sign shall be placed on any building or structure on such real property.
4. One (1) sign indicating that the real property is open for inspection may also be placed on such real property only. The facing of said "Open" sign shall not exceed three (3) feet in length and two (2) feet in height. The maximum height of such sign shall not be more than three (3) feet above ground level.
5. Any sign must be removed by the real property owner and/or the owner's agent within one (1) week after the final closing of the deal for the sale or lease of such real property.
6. No sign, banner or appendage to another sign shall be displayed indicating that the real property on which same is located has been sold; and further, the name of any agent shall not be attached or displayed with any such real estate sign. Further, no such real estate sign shall have any sign or cover attached to same. Any sign found to be in violation of the provisions of this Subsection may be removed by the Village.

B. *Commercial Or Industrial Property.* The dimensions and regulations for signs advertising that real estate in areas zoned commercial or industrial in the Village is for sale or lease shall be as follows:

1. Only one (1) such sign may be erected.

2. The facing of a sign where advertising is to appear shall not be more than five (5) feet in length and four (4) feet in height with a maximum of two (2) facings. The maximum height of said signs shall not be more than five (5) feet above ground level.
3. No sign shall be placed on any easement or public right-of-way but must be on the real property offered for sale or lease only. One (1) such sign may be placed on any building or structure on such real property and may be attached to the front of the main building on such real property.
4. One (1) sign indicating that the real property is open for inspection may also be placed on such real property only. The facing of said "Open" sign shall not exceed three (3) feet in length and two (2) feet in height. The maximum height of said sign shall not be more than three (3) feet above ground level.
5. Any such sign must be removed by the real property owner and/or the owner's agent within one (1) week after the final closing of the deal for the sale or lease of such real property.
6. No sign, banner or appendage to another sign shall be displayed indicating that the real property on which the same is located has been sold; and further, the name of any agent shall not be attached or displayed with any such real estate sign. Further, no such real estate sign shall have any sign or cover attached to same. Any sign found to be in violation of the provisions of this Subsection may be removed by the Village. (R.O. 2006 §410.180; Ord. 31, Bill 238 §19.19; Ord. No. 98-23 §2, 11-19-98)

SECTIONS 405.540—405.600: RESERVED

ARTICLE IV. ZONING PERFORMANCE STANDARDS

SECTION 405.610: ZONING PERFORMANCE STANDARDS

- A. This Section contains the Zoning Performance Standards for Riverview. These standards shall apply to all land uses and developments in the "C" Commercial and "I" Industrial Zoning Districts and all land uses requiring conditional use permit within any residential district.
- B. *Performance Standards.*
 1. *Vibration.* Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
 2. *Noise.* Every use shall be so operated that the pressure level of sound or noise generated, measured in decibels, shall not exceed, at any point on the lot line, the maximum decibel levels for the designed octave band as set forth in the following table for the appropriate area:

<i>Octave Band Cycles Per Second</i>	<i>Maximum Permitted Sound Pressure Level in Decibels Within or Adjacent to "R" Residence Districts</i>	<i>Within All Other Areas</i>
0 to 75	72	79
76 to 150	67	74
151 to 300	59	66
301 to 600	52	59
601 to 1200	46	53
1201 to 2400	40	47
2401 to 4800	34	41
above 4800	32	39

3. *Odor.* Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with Chapter 612, St. Louis County Revised Ordinances, 1964, as amended.
4. *Smoke.* Every use shall be so operated that no smoke from any source shall be emitted that exceeds the emission levels in the requirements of Chapter 612, St. Louis County Revised Ordinances, 1964, as amended.
5. *Toxic gases.* Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases which exceed the emission levels in the requirements of Chapter 612, St. Louis County Revised Ordinances, 1964, as amended.
6. *Emission of dirt, dust, fly ash and other forms of particulate matter.* The emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels in the requirements of Chapter 612, St. Louis County Revised Ordinances, 1964, as amended.
7. *Radiation.* Every use shall be so operated that there is no dangerous amount of radioactive emissions in accordance with the standards of the Federal Radiation Council.
8. *Glare and heat.* Any operation producing intense glare or heat shall be performed in an enclosure in such a manner so as to be imperceptible along any lot line without instruments.
9. Any addition, modification or change in any regulations, Code ordinance, or other standard referred to in these Zoning Performance Standards shall become a part of these regulations. (R.O. 2006 §415.010; Ord. 31, Bill 238 §20)

SECTIONS 405.620—405.650: RESERVED

ARTICLE V. SUPPLEMENTARY OFF-STREET PARKING REGULATIONS**SECTION 405.660: SUPPLEMENTARY OFF-STREET PARKING REGULATIONS**

The off-street parking requirements specified in each zoning district are supplemented and/or qualified by the following general regulations:

1. An area used for off-street parking space of four (4) or more vehicles shall be effectively screened from adjoining residential property. Such screening shall consist of louvered fence, solid fence or wall and such screening shall not be less than six (6) feet in height above the surface elevation of the parking area, except where sight distance regulations at street intersections require other arrangements.
2. *In a residential district.*
 - a. The required parking spaces to serve residential uses shall be provided on the same parcel of land that the residential use is located. Parking space required by this Title for non-residential use in a residential district shall be provided on the same lot as the principal use or on a contiguous lot.
 - b. Parking space provided in an enclosed or semi-enclosed structure shall not project beyond any required building line except as may be provided in any of the planned district Sections of this Title. Parking space provided in an unenclosed area shall not encroach on the required street right-of-way of any residential district.
 - c. The off-street parking requirements in residential districts may be reduced by the Board of Trustees to facilitate the development of housing for the elderly.
3. In a commercial district, parking space provided in an unenclosed area shall not be closer to the front property line than fifteen (15) feet. The area between the front property line and the building line, except for required driveways, shall be landscaped and adequately maintained.
4. Two (2) or more uses may combine to provide the required parking space jointly; however, the parking space so provided shall equal the total space required if each use were to provide parking space separately. Plans for such joint parking must be approved by the Planning Commission who shall, after approval, record the parking plan and an appropriate legal instrument of agreement among the owners of the various properties involved with the office of the St. Louis County Recorder of Deeds. Such recorded plans and agreements shall be binding upon the owners of the properties involved and their successors and assigns and shall limit and control the use of land included in the plan to those uses and conditions approved by the Planning Commission and agreed to by the owners of the properties involved.
5. No off-street parking space required under this Title shall be used for any purpose other than parking. Where a change or expansion in use creates greater parking requirements than the amount being provided, no building or occupancy permit shall be issued until provision is made for the increased amount of required off-street parking.
6. All areas for off-street parking, excluding those of single-family and duplex residences, shall be so arranged so that vehicles can turn around within the area and enter the street or roadway

in such a manner so as to completely eliminate the necessity for backing into the street or roadway.

7. All parking stalls shall contain wheel guards or be curbed in such a manner to ensure that no vehicle will overhang sidewalks or landscaped areas and to ensure that vehicle movement be restricted to driving aisles and driveways.
8. Wherever a parking area and driveway are permitted, with the exception of those parking areas within the "PS" Park and Scenic District, the same shall be paved and such paving shall meet applicable building code requirements.
9. A minimum of one (1) two hundred (200) square foot, curbed, landscaped island shall be provided at the ends of each single row of parking stalls and one (1) four hundred (400) square foot, curbed, landscaped island shall be provided at the ends of each double row of parking stalls.
10. All required parking spaces, driving aisles and access streets shall be constructed prior to the issuance of any occupancy permit. (R.O. 2006 §420.010; Ord. 31, Bill 238 §21)

SECTIONS 405.670—405.700: RESERVED

ARTICLE VI. MISCELLANEOUS REGULATIONS

SECTION 405.710: ACCESSORY BUILDINGS (PERMANENT)

No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced and in no event shall it be constructed over any easement. (R.O. 2006 §425.010; Ord. 31, Bill 238 §22)

SECTION 405.720: ACCESSORY BUILDINGS (TEMPORARY)

Temporary accessory buildings, including temporary storage structures which are to be used for storage purposes only, may be erected upon a lot prior to the construction of the main building and shall be removed within one hundred eighty (180) days of erection of said structure. (R.O. 2006 §425.020; Ord. 31, Bill 238 §22)

SECTION 405.730: AMUSEMENT ACTIVITIES

The Chairman of the Board of Trustees is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Chairman of the Board may request a report be submitted by health officials with respect to any public health aspect of the proposal and by the Chief of Police with respect to any traffic or public safety aspect of the proposal, if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus carnival, fair, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition, and any similar activity not involving the erection of any permanent structure

or facility. The permit shall be issued for a specified period of time not exceeding ten (10) days, the permit shall contain such conditions as are necessary for protection of public health, safety and traffic, and the Chairman of the Board may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. (R.O. 2006 §425.030; Ord. 31, Bill 238 §22)

SECTION 405.740: ACKNOWLEDGMENT OF CONDITIONS

In each instance in which approval of use or development of property is made subject to conditions by the Board of Trustees, a copy of the approved ordinance, resolution, order or permit shall be:

1. Recorded by the property owner or owners prior to commencement of development or use; and
2. Furnished by the property owner or owners or petitioner to the operator, owner and manager, including successive operators, owners and managers, each of whom shall forward to the Chairman of the Board of Trustees an acknowledgment that he or she has read and understood each of the conditions relating to the use and development of the property affected by the ordinance, resolution, order or permit and agrees to comply herewith. (R.O. 2006 §425.040; Ord. 31, Bill 238 §22)

SECTION 405.750: JUNK YARDS, LAND FILLS, HAZARDOUS WASTE, ETC.— PROHIBITED

Junk yards, sanitary land fills, solid waste disposal areas, solid waste management systems, solid waste processing facilities and hazardous waste facilities are prohibited within any zoning district.

HAZARDOUS WASTE: Any waste or combination of wastes which is determined by the Missouri Department of Natural Resources, pursuant to rules and regulations adopted by the Hazardous Waste Management Commission of the State of Missouri, because its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a present or potential threat to the health of humans or other living organisms.

HAZARDOUS WASTE FACILITY: Any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposable sites.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material.

JUNK YARD: An establishment, area or place of business maintained, operated or used for the storing, keeping, buying or selling junk or for the operation of an automobile graveyard, garbage dump or sanitary fill.

SOLID WASTE: Garbage, refuse and other discarded materials, including, but not limited to, solid and semi-solid waste materials, resulting from industrial, commercial, agricultural, governmental and domestic activities.

SOLID WASTE DISPOSAL AREA AND SANITARY LAND FILL: Any area used for the disposal of solid waste from more than one (1) residential premises or one (1) or more commercial, industrial, manufacturing, recreational or governmental operations.

SOLID WASTE MANAGEMENT SYSTEM: The entire process of storage, collection, transportation, processing, and disposal of solid wastes by any person engaging in such process as a business, or any City, authority, County or any combination thereof.

SOLID WASTE PROCESSING FACILITY: Incinerator, compost plant, transfer station, or any facility where solid wastes are salvaged or handled. (R.O. 2006 §425.050; Ord. 31, Bill 393)

Cross Reference—As to solid waste management definitions, §235.010.

SECTION 405.760: TELECOMMUNICATION TOWERS AND FACILITIES

A. Purpose.

1. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the Village of Riverview; and
2. Minimize adverse visual impacts of antennas and antenna support structures through the careful design, siting, landscape screening and innovative camouflaging techniques; and
3. Maximize the use of existing and new antenna support structures so as to minimize the need to construct new or additional facilities; and
4. Maximize and encourage the use of disguised support structures so as to ensure the architectural integrity and scenic quality of areas within the Village.

B. Definitions. As used herein, the following terms shall have the meanings and usages indicated:

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six (6) feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than seventy-two (72) feet in height which is owned and operated by an amateur radio operator licensed by the FCC and located in the residence of such operator.

ANTENNA SUPPORT STRUCTURE: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding those support structures not greater than seventy-two (72) feet in height owned and operated by an amateur radio operator licensed by the FCC and located at the residence of such operator. For purposes of this Article, the term antenna support structure shall also include any related and necessary cabinet structure.

BUILDING: A structure, other than a single-family residence, not constructed primarily for the support of antenna but which may be utilized for such purposes in accordance with this Article.

CABINET: A casing or console, not to include a shelter, used for the protection and security of communications equipment associated with one (1) or more antennas, where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

CO-USE: The location and use of two (2) or more antennas on a single antenna support structure.

DISGUISED SUPPORT STRUCTURE: Any freestanding, manmade structure designed for the support of antennas, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are limited to, clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flagpoles and light standards.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

FREESTANDING TOWER: A tower designed and constructed to stand alone on its own foundation and free of architectural or supporting frames or attachments including, but not limited to, self-supporting (lattice) towers and monopoles.

HEIGHT: The vertical distance measured from the base of the structure at mean ground to its highest point, including the main structure and all attachments thereto. Mean ground level should be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement.

PLANNING AND ZONING OFFICER: The Building Commissioner of the Village of Riverview or his/her designee.

SHELTER: A building for the protection and security of communications equipment associated with one (1) or more antenna(s) where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

TOWER: A structure designed for the support of one (1) or more antenna(s), including self-supporting (lattice) towers, monopoles or other freestanding towers or guyed towers, but not disguised support structures or buildings.

- C. **General Requirements.** The requirements set forth in this Section shall be applicable to all antennas, antenna support structures, cabinets and shelters installed, built or modified after the effective date of this Section to the full extent permitted by law:

1. **Building codes, safety standards and zoning compliance.** To ensure the structural integrity of antennas, antenna support structures, cabinets and shelters, any such facility shall be constructed and maintained in compliance with all standards contained in any applicable building codes, electrical codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required hereunder, no antenna or support structure shall be erected prior to zoning approval and the issuance of a building permit.

2. *Regulatory compliance.* All antennas and antenna support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other Federal or State agency with the authority to regulate antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless an earlier date is mandated by the controlling agency.
3. *Security.* All antennas and antenna support structures shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any additional application to install, build or modify antennas or support structures. Additional measures may be required as a condition of the issuance of any permit as deemed necessary by the Planning and Zoning Officer or the Board of Trustees.
4. *Lighting.* Antennas and antenna support structures shall not be lighted unless required by the FAA or other Federal or State agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the antenna(s) or support structures.
5. *Advertising.* Unless a disguised support structure, except in the form of a permitted advertising sign, the placement of advertising on antenna support structures is prohibited.
6. *Design.*
 - a. Guyed towers are prohibited without the specific approval of the Board of Trustees, based upon its determination that no other type of tower can be feasibly installed at the proposed location.
 - b. Antenna support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the Village or the FAA, FCC or any applicable Federal or State agency, be painted a neutral color consistent with the natural or built environment of the site.
 - c. Shelters and cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with such other reasonable design guidelines as may be required by the Village including, but not limited to, landscaping approved by the Board of Trustees.
 - d. Antennas attached to a building or disguised support structure shall be of a color identical or closely compatible with the surface to which they are mounted.

D. *Site Requirements.*

1. Towers shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet at the time of installation. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum of six (6) foot high decorative fence or wall may be approved by the Village upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
2. Vehicle or outdoor storage on any tower site is prohibited.

3. On-site parking for periodic maintenance and service shall be provided at all locations.

E. *Zoning, Location, Setback And Height.*

1. *Zoning.* Antennas and antenna support structures may be located in any zoning district, subject to the location, setback and height restrictions of this Article.
2. *Location.* No antenna support structures, excluding disguised support structures, shall be located within one-half (½) mile of another, pre-existing antenna support structure with the distance being measured from the center of the base of the existing structure to the center of the base of the proposed structure. Without the specific approval of the Board of Trustees, antenna support structures, other than disguised support structures, shall not be located within five hundred (500) feet of any residential structure or any property used as a park, playground, school or church.
3. *Setback.* The minimum setback from all adjoining property lines shall be that required for principal structures in the applicable zoning district, plus one (1) foot in height of the antenna support structure.
4. *Height.*
 - a. Antenna support structures shall not exceed a height of seventy-two (72) feet in any of the Village's zoning districts, unless a different height is authorized under the co-use provisions of these regulations or on the specific approval of the Board of Trustees.
 - b. Antennas mounted on a building shall not exceed the height of the building on the effective date of this Section without the specific approval of the Board of Trustees based on its determination that the proposed height does not have a detrimental effect on surrounding property.

F. *Co-Use.* Prior to the issuance of any permit, the applicant shall:

1. Submit a notarized statement to the Village agreeing to make the proposed antenna support structure available for use by others, subject to reasonable technical limitations and financial terms.
2. Furnish an inventory to the director of all known antenna support structures and potential building sites located within one-half (½) mile of the proposed structure site, identifying the owner of same as well as the antenna support structure's type and reference name or number, if applicable, and the street location, latitude and longitude, height, type and mounting height of existing antennas and an assessment of available space for the placement of additional antennas, shelters and/or cabinets. The applicant shall further demonstrate that it has requested co-use of each existing building or antenna support structure from the owner thereof and/or shall indicate why such co-use is inappropriate or was otherwise not allowed.
3. Antenna support structures may be construed or modified as so to exceed the height limitations provided in Section 405.760(E)(4) hereof to accommodate co-use. An applicant may request an extension of twenty (20) additional feet per co-user, whether actual or anticipated, up to a limit of forty (40) additional feet. The Village may also require the applicant for new construction to exceed the applicable limitation, regardless of whether a co-user is immediately available to share space with the applicant.

4. In the event that a conditional use permit is requested for the construction of a new antenna support structure, the applicant shall notify in writing any other known potential service providers in that area that the structure will be available for co-use. Said notices shall issue on or before the day on which the applicant submits to the Village an application for a conditional use permit for the structure. The notice shall allow potential co-users thirty (30) days within which to express any interest in co-use, during which time the applicant shall not commit to a design for the structure which precludes co-use. The willful and knowing failure of an applicant to agree to co-use or to negotiate in good faith with potential co-users may be cause for either the denial of a pending application, the revocation of an existing conditional use permit and/or the withholding of future similar permits to the applicant.
- G. *Administrative Permit.* Prior to the issuance of a building permit, plans for the following administratively authorized installation shall be reviewed and approved by the Planning and Zoning Officer and/or the Board of Trustees' designee. In the event of disapproval of such plans, approval may be sought by way of a conditional use permit.
1. *Uses authorized by administrative permit.*
 - a. The attachment of additional antennas to any antenna support structure existing on the effective date of this Section or subsequently approved in accordance herewith, provided that the existing antenna support structure is not modified to extend the height thereof.
 - b. The construction of a disguised support structure in all the residential zoning districts ("R1", "R2", "R3", "PR" and "PC/R" zoning districts), provided that all related equipment shall be placed underground or concealed within the structure. In addition, the construction of a disguised support structure in all commercial districts and industrial districts provided that all related equipment shall be placed underground or concealed within the structure or placed in a cabinet if the disguised support structure is an accessory to an existing commercial, industrial or other non-residential use. In the event that any support structure is of a design or type such that there is a question of whether such design or type is effective to camouflage or conceal its presence as an appropriately placed architecture or natural feature, the Planning and Zoning Officer or the Board of Trustees' designee may disapprove such support structure.
 - c. The installation of antennas or the construction of an antenna support structure on buildings or land owned by the Village of Riverview in conjunction with the approval of a lease agreement by the Board of Trustees.
 - d. The installation or mounting of antennas on any existing high voltage utility towers in excess of forty (40) feet in height.
 - e. The one-time replacement of any antenna support structure existing on the effective date of this Article or subsequently approved in accordance with these regulations.
 - f. The installation of antennae on buildings or structures or the construction of an antenna support structure on land owned by a Federal or State agency, Federal or State board or Federal or State authority.
 - g. Antenna dishes in excess of twenty-four (24) inches in diameter.

2. *Application procedure.* An application for an administrative permit shall be made on the appropriate forms to the Planning and Zoning Officer, accompanied by payment of the prescribed fee:

- a. Applicant shall submit a detailed site plan, based on a closed boundary survey of the host parcel, indicating all existing and proposed improvements, including buildings, drives, walkways, public rights-of-way, the zoning district categories of the parcel and adjoining properties, the location of and distance to the off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features and the coordinates and height above ground level of the existing or proposed tower.
- b. The application shall be reviewed by the Planning and Zoning Officer and/or the Board of Trustees' designee to determine compliance with the applicable standards and transmit the application for review and comment by other Village departments as may be affected by the proposed facility. The Planning and Zoning Officer and/or Board of Trustees' designee may request additional information from the applicant. The application shall not be deemed to be complete until such information is received by the applicant.
- c. The Planning and Zoning Officer shall issue a decision on the permit within sixty (60) days of the date on which the application is deemed complete or the application shall be deemed approved. The Planning and Zoning Officer may deny the application or approve the application as submitted or with such modifications as are, in the judgment of the Planning and Zoning Officer, reasonably necessary to protect the safety and general welfare of the residents of the Village of Riverview. A decision to deny an application shall be made in writing and shall state the specific reasons for the denial.
- d. An appeal from the decision of the Planning and Zoning Officer may be taken to the Board of Adjustment by filing such appeal within thirty (30) days from receipt of the denial.

- H. *Conditional Use Permit Required.* All proposals to install, build or modify an antenna or antenna support structure not authorized for an administrative permit under Section 405.760(G) hereof shall require the approval of the Board of Trustees of a conditional use permit following receipt of a recommendation by the Planning and Zoning Commission and a duly advertised public hearing of the Board of Trustees.

1. *Application.* An application for a conditional use permit, accompanied by a detailed site plan conforming with Section 405.760(G)(1) hereof, shall be filed and processed in the manner established for all other conditional use permits, except as supplemented by this Section.
2. *Public hearing.* The public hearing required for consideration of the application for conditional use permit shall be recorded and all documentary evidence of any kind submitted in support of or against the application shall be identified and labeled by the Village Clerk and made a part of the public record. The Board of Trustees may exercise its discretion to continue the public hearing for the purpose of accepting additional oral or documentary evidence into the record for consideration.
3. *Findings required.* In addition to any other determination required by the Zoning Code for the consideration of an application for a conditional use permit, the Board of Trustees shall make findings as to the following based upon the evidence submitted with the application and/or presented during the public hearing by the applicant or others.

- a. Whether the existing antenna support structure or buildings are located within the geographical network area necessary to meet the applicant's system engineering requirements.
- b. Whether such existing antenna support structure or buildings are of sufficient height to meet system engineering requirements.
- c. Whether such existing antenna support structures or buildings have sufficient structural strength to support the applicant's proposed antenna(s).
- d. Whether such existing antenna support structures or buildings could be altered or modified to meet system engineering requirements or to support the applicant's proposed antennas.
- e. Whether the proposed antennas would experience or cause signal interference with antennas on existing antenna support structures or buildings.
- f. Whether the fees, costs or other contractual terms required by an owner to lease, modify or otherwise provide for co-use on an existing and suitable antenna support structure or building are reasonable. Costs exceeding that of a new antenna support structure are presumed unreasonable.
- g. Whether there are other limiting conditions that render existing antenna support structures or buildings within the applicant's required geographic area unsuitable.

4. *Determination.*

- a. If the Board of Trustees determines that an application meets the criteria of these regulations, the Board shall grant a conditional use permit, subject to such conditions as the Board deems appropriate for the protection of the health, safety and welfare of the residents of the Village.
- b. If the Board determines that although an application does not meet the strict requirements of the criteria of these regulations but satisfies the general purpose and intent of said criteria based upon the particular circumstances, the Board of Trustees may grant a variance from said criteria and grant a conditional use permit, subject to such conditions as the Board deems appropriate for the protection of health, safety and welfare of the residents of the Village.
- c. If the Board determines that the prescribed criteria hereof effectively would preclude the applicant's reception and/or transmission of signals that the applicant's proposed location and height are a matter of absolute engineering and economic necessity in order to ensure the completion of the applicant's network, the Board may grant a conditional use permit subject to such conditions as the Board deems appropriate for the protection of the health, safety and welfare of the residents of the Village.
- d. A decision by the Board of Trustees based on an application shall be accompanied by specific findings of fact based upon the evidence presented.

I. *Removal Of Antenna Support Structure—Security For Removal.*

1. Any antenna support structure which is occupied by an inactive antenna for a period of one (1) year shall be removed at the owner's expense and the site restored to its original state.

2. Any applicant for a new support structure not built as a disguised support structure shall file with the Village a bond or other security satisfactory to the Village prior to the issuance of any permit hereunder to ensure that such structure does not become unsafe or otherwise fail to comply with the requirements of this Article including, without limitation, the failure to remove such structure as required by Subsection (A) of this Section or any other applicable regulation. The bond or security shall be in the form approved by the Board of Trustees, in an amount not less than fifteen thousand dollars (\$15,000.00) or such additional amount as is determined by the Board of Trustees to protect the Village in the event of non-compliance with the requirements hereof.
- J. *Prosecution For Violation.* Any person violating any of the provisions of this Article, upon conviction thereof, shall be subject to the penalties provided for violation of Village ordinances.
- K. *Severability.* If any Section, Subdivision, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which no further right of appeal exists, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (R.O. 2006 §425.060; Ord. 31, Bill 417; Ord. No. 07-15 §1, 9-27-07)

SECTION 405.770: CERTAIN ANIMALS PROHIBITED

Feral animals, ungulate or other hoofed animals are prohibited within any zoning district. (R.O. 2006 §425.070; Ord. No. 90-2 §4, 1-15-90; Ord. No. 97-02 §1, 2-27-97; Ord. No. 11-18 §1, 7-28-11)

SECTION 405.780: COMPOSTING

Compost piles may be maintained for private use on any lot located in the following zoning districts: "R-1", "R-2", "R-3", "PR". Compost piles shall be subject to the following regulations:

1. *Location.* A compost pile may be located in the back yard or side yard of any lot and shall not be conspicuous from the street. No compost pile shall be located less than five (5) feet from the property line. No compost pile shall impede the natural flow of stormwater drainage.
2. *Size.* Compost piles shall be enclosed in a freestanding compost bin which shall be no larger in volume than seventy-five (75) cubic feet and no higher than five (5) feet.
3. *Composition and maintenance.* Compost piles shall be maintained so that no unpleasant, putrescent, sweet, sour or pungent odors shall be created. No rodents or pests shall be attracted to any compost pile. No compost pile shall contain any of the following: lakeweeds, fruits, vegetables or nuts, manure; food scraps; fish, fowl, meat or other animal products; animal carcasses; items not normally composted. Permitted ingredients shall include: yard waste, wood chip; commercial compost additives. (R.O. 2006 §425.090; Ord. No. 91-27 §1, 12-16-91)

SECTIONS 405.790—405.820: RESERVED

ARTICLE VII. NON-CONFORMING USES—LANDS AND STRUCTURES**SECTION 405.830: STATEMENT OF PURPOSE**

- A. A non-conforming land use or structure is one which existed lawfully, whether by variance or otherwise, on the date this Zoning Code or any amendment thereto became effective and which fails to conform to one (1) or more of the applicable regulations in the Zoning Code or such amendment thereto, except minimum lot area, yard and setback requirements.
- B. Such non-conformities may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated, they inhibit present and future development of nearby properties, and they confer upon their owners and users a position of unfair advantage.
- C. Non-conformities are not to be expanded, and they should be abolished or reduced to conformity as quickly as the fair interest to the parties will permit. (R.O. 2006 §430.010; Ord. 31, Bill 238 §23)

SECTION 405.840: GENERAL PROVISIONS

- A. An existing non-conforming land use or structure shall not cause further departures from the Zoning Code. Although an existing non-conformity may be continued, except as hereinafter limited, it may not be changed to another use, except to a similar use or to a use permitted in the district in which it is situated and provided it complies with the requirements of that district.
- B. The existence of any present non-conformity anywhere in the Village shall not itself be considered ground for the issuance of a variance for other property.
- C. A non-conformity shall not be deemed to have existed on the date this Zoning Code or any amendment thereto became effective unless:
 - 1. The use was in being on a continuous basis and to its fullest extent on such date; or
 - 2. If the use had not been abandoned as defined in Section 405.850 of this Chapter.
 - 3. Nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun in good faith prior to the adoption of this Title or amendment thereto, and if such construction is diligently prosecuted to completion within two (2) years following such date. "*Actual construction*" is hereby defined to include the placing of construction materials so that they are in a permanent position and fastened to the earth in a permanent manner.
- D. A non-conforming use of land shall not be enlarged, extended or altered and a structure or part thereof devoted to a non-conforming use shall not be enlarged, extended, constructed, reconstructed or structurally altered except:
 - 1. As may be required by law;
 - 2. In changing the use to one which is permitted in the district in which such use is situated; or

3. To the extent hereinafter permitted.
- E. A non-conforming use of land shall not be moved to another part of a lot or outside the lot, and a non-conforming use of a structure shall not be moved to any part of the structure not manifestly arranged and designated for such use at the time the use became non-conforming.
- F. Where any change is proposed to be made to a use that is permitted in the district only by a conditional use permit, such change may be made only through a conditional use permit granted pursuant to the procedure delineated by Section 405.920 of this Chapter.
- G. The number of dwelling units in a non-conforming residential structure shall not be increased after said structure has become a non-conforming use.
- H. Nothing in this Title shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner to an extent less than sixty percent (60%) of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction; provided however, that:
 1. The restoration of such structure and its use shall in no way increase any former non-conformity;
 2. The restoration of such structure is begun within six (6) months of such destruction and diligently prosecuted to completion within two (2) years following such destruction.
- I. Whenever such structure has been destroyed by any means out of the control of the owner to an extent of more than sixty percent (60%) of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction as determined by the Building Commissioner, the structure shall not be restored except in full conformity with all the regulations of the district in which such structure is situated.
- J. When a structure is determined to be substandard by the proper administrative official of Riverview under any applicable ordinance of the Village and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed sixty percent (60%) of the reconstruction cost of the entire structure, such non-conforming structure shall not be restored for the purpose of continuing a non-conforming use.
- K. None of the restrictions contained in this Section shall limit the authority of the Board of Adjustment to grant relief for reconstruction of non-conforming structure as provided in Section 400.040 of this Chapter.
- L. Within five (5) years of the dater of the adoption of this Title or the date of the adoption of any applicable amendments to this Title, any use which is or becomes a non-conforming use shall be operated to conform to the zoning performances standards established in Section 405.610 of this Chapter. (R.O. 2006 §430.020; Ord. 31, Bill 238 §23)

SECTION 405.850: ABANDONMENT OF NON-CONFORMING USES

- A. Any non-conforming use which has been abandoned, as defined below, shall not thereafter be

reestablished. Any structure and/or land which was formerly devoted to a non-conforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure and/or land is situated.

- B. The term "*abandonment*", as used herein, shall mean the voluntary discontinuance of a use when accompanied by an intent not to re-establish such use. Any one (1) of the following shall constitute prima facie evidence of intent to abandon:
1. Any positive act indicating such intent;
 2. Any conscious failure to take all necessary steps to resume the non-conforming use with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease;
 3. In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for twelve (12) consecutive months; or
 4. In the case of land only, discontinuance of the non-conforming use for ninety (90) consecutive days or for a total of six (6) months during any one (1) year period. (R.O. 2006 §430.030; Ord. 31, Bill 238 §23)

SECTION 405.860: REGISTRATION

- A. Owners, tenants, agents or operators of all land uses within the Village which become legal non-conforming uses on the effective date of this Title shall register that use with the Village Clerk. This registration shall provide the following information:
1. The name and address of the registrant(s);
 2. The legal interest, if any, that the registered individual(s) has in the non-conforming use;
 3. The address, name (if applicable) and activity(ies) being carried out by the non-conforming use;
 4. The zoning district in which the non-conforming use is located; and
 5. The reason(s) for non-conformity.
- B. The Building Commissioner shall give notice in writing to each person required to register under Subsection (A). The said party shall then register such use(s) within ninety (90) calendar days from the day of notification. Willful failure to comply with the registration requirements of non-conforming uses shall constitute a violation of this Title. (R.O. 2006 §430.040; Ord. 31, Bill 238 §23)

SECTION 405.870—405.900: RESERVED

ARTICLE VIII. PROCESSING PROCEDURES FOR PERMITS**SECTION 405.910: PROCESSING PROCEDURES FOR PERMITTED USES AND DEVELOPMENTS**

- A. When one (1) or more buildings are to be erected on a lot or tract which is zoned in such a manner as to permit the subject development as a use permitted by right, no building permit shall be issued for the development, except for permitted single-family dwellings and their associated uses, without the approval of the Planning Commission of the adequacy of the internal on-site and external street circulation system, the design of the proposed landscaping and parking areas, and conformance with the Zoning Code. For the purpose of this Section only, "streets", as defined, shall also include public or private rights-of-way, including driveways, which provide vehicular access to abutting buildings, structures, and other improvements within or through a single lot or tract.
- B. Three (3) copies of a development plan reflecting the nature of the proposed development shall be submitted to the Building Commissioner for Planning Commission review and approval. In order to assure the fullest practicable presentation of facts for analysis and for the permanent record, the Planning Commission may prescribe additional data and information from the applicant. Required information shall include, but need not be limited to:
1. A site plan showing proposed uses and structures.
 2. Existing and proposed contours at intervals of two (2) feet or less referred to sea level datum.
 3. Location of all isolated trees, having a diameter of six (6) inches or more, and all tree masses.
 4. Proposed ingress and egress to the site, including on-site parking area and adjacent streets.
 5. Proposed landscaping, including type and size of planting and fencing.
 6. Two (2) section profiles through the site showing preliminary building form and mass.
- C. Upon approval of the submitted or revised development plan by the Planning Commission application for building permits and certificates of occupancy may take place at the office of the Building Commissioner.
- D. No building, facilities, establishments or service concerns may occupy or use any portion of the subject tract until the required improvements are constructed or a performance bond or escrow is posted covering construction of improvements as determined by the Planning Commission. If the development is to occur in sections, all improvements necessary to the proper operation and functioning of the section, even though same may be located outside the section, must be constructed and installed or a performance bond or escrow agreement posted covering the estimated cost of improvements as determined by the Planning Commission.
- E. When a single-family, detached, residential dwelling and/or an accessory building to a single-family dwelling is to be constructed, converted, reconstructed or structurally altered within a subdivision previously approved by the Board of Trustees or upon a lot of record, no building permit shall be issued for the development without the approval of the Building Commissioner as to the conformance of said modification to all pertinent Sections of this Title. Approval of the Planning Commission is not required for these uses. (R.O. 2006 §435.010; Ord. 31, Bill 238 §24)

SECTION 405.920: PROCESSING PROCEDURES FOR CONDITIONAL USE PERMIT, PLANNED DISTRICT PERMIT, ZONING CHANGE AND ZONING TEXT AMENDMENT

- A. It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationships to other land uses. Therefor, analysis and judgement of the consequences of each development and use is necessary to preserve and promote the public health, safety and general welfare. The procedure that follows is promulgated to govern the establishment of such developments and uses.
- B. *All Applications Initiated By Petition.*
1. Applications and preliminary development plans for conditional use permits, planned district permits, and/or a zoning change necessary to permit a certain development shall be submitted to the Building Commissioner for Planning Commission review and Board of Trustees review and approval. In order to assure the fullest practicable presentation of facts for analysis and for permanent record, the Board of Trustees may prescribe additional data and information from the applicant.
 2. Required information shall be provided in triplicate and shall include, but need not be limited to, the following:
 - a. A site plan showing proposed uses and structures.
 - b. Existing and proposed contours at intervals of two (2) feet or less referred to sea level datum.
 - c. Location of all isolated trees, having a diameter of six (6) inches or more, and all tree masses.
 - d. Proposed ingress and egress to the site, including on-site parking areas and adjacent streets.
 - e. Proposed landscaping, including type and size of planting and fencing.
 - f. Two (2) section profiles through the site showing the preliminary building form and mass.
 - g. Gross area of tract stated in tenths (0.1) of an acre.
 - h. Area in street right-of-way (existing and proposed).
 - i. Net area of tract (gross area minus area in street right-of-way).
 - j. When applicable, maximum number of dwelling units allowed under the density restrictions of the particular zoning district.
 - k. When applicable, maximum number of dwelling units proposed.
 - l. Parking ratio (number of parking spaces per proposed dwelling unit, square feet of floor area, employees on largest shift and/or business vehicles).

m. Distance between buildings.

Said application(s) are furnished by the office of the Building Commissioner.

3. Each application shall be verified by at least one (1) of the owners or authorized representatives of the owners of the subject property attesting to the truth and correctness of all facts and information presented with the application.
4. Upon receipt by the Board of Trustees said application shall be referred to the Planning Commission for analysis and recommendation.

The Planning Commission shall proceed to investigate and report to the Board of Trustees as to whether such development is consistent with good planning practice; can be operated in a manner that is not detrimental to the existing developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Riverview. Said report, recommendation and possible conditions of approval, if applicable, shall be filed with the Board of Trustees.

5. Upon receipt of the Planning Commission report by the Board of Trustees a public hearing shall be held by the Board of Trustees relative to the matter. Said hearing shall be held within forty-five (45) days from the date the Planning Commission report is received and filed by the Board of Trustees.
6. *Hearing date, notice and posting of signs.*
 - a. The Board of Trustees shall cause a notice of public hearing to be in a newspaper of general circulation in the Village. Publication shall be not more than thirty (30) nor less than fifteen (15) days before the hearing date. The notice shall contain, whenever possible, the legal description of the parcel of land; the approximate street location or address; the name of the applicant; the present zoning district classification; the zoning district classification sought, if applicable; and the proposed use of the tract.
 - b. The Board of Trustees may also cause a sign or signs regarding the application or hearing to be placed on each parcel of land for which an application for a conditional use permit, planned district permit and/or a zoning change has been filed.

7. Within sixty (60) days from the date of the public hearing the Board of Trustees may approve or deny the subject request. Approval shall be granted if the Board finds that the proposed development is consistent with good general planning practice; is consistent with good site planning; can be operated in a manner that is not detrimental to the allowed developments and uses in the existing or proposed districts; is visually compatible with the permitted uses in the surrounding area; and is deemed desirable to promote the general welfare of Riverview. The Board of Trustees may approve or deny all or part of the proposed development or Zoning Change request.

C. Zoning change request for the "R-1", "R-2", "R-3", "C-1", "C-2", and "I" District, not accompanied by a conditional use permit request.

1. Processing procedures following Board approval of a zoning change for the "R-1", "R-2", "R-3", "C-1", "C-2", and "I" Districts which is not accompanied by a request for a conditional use permit are the same as those contained in Section 405.910 of this Chapter.

- D. Zoning change request for a "PR", "PC", "PC/R" and "PI" Districts or a non-planned district accompanied by a conditional use permit request or a request for a conditional use permit without a zoning change request.
1. In approving a change of zoning for a planned district or in approving a conditional use permit, the Board of Trustees shall impose such conditions or restrictions as it determines necessary to satisfy the criteria established in this paragraph. The conditions or restrictions shall include, but need not be limited to, the following:
 - a. Time limitations for submission of final development plans and commencement and completion of construction.
 - b. Uses and activities permitted.
 - c. Landscaping, setback, height, parking, circulation, sign, lighting and fencing requirements which are to be shown on the final development plan and subsequently installed, constructed or complied with.
 - d. A statement that any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions of the ordinance authorizing the approval.
 - e. A statement that all site improvements shall be escrowed and that said escrow shall not be released until said improvements are constructed or installed.
 - f. Any additional conditions imposed upon the development by the Board of Trustees.
 2. Upon approval by the Board of Trustees of an ordinance authorizing a change of zoning for a planned district or a conditional use permit, the petitioner shall submit a final development plan to the Planning Commission within the period of time specified in the specific ordinance authorizing the development. Said plan shall include such information as may be required by the Planning Commission for adequate consideration of the plan. The plan shall comply with all applicable Village ordinances.
 3. After review and approval of the final development plan by the Planning Commission, a copy of the final development plan shall be recorded by the developer with the office of the St. Louis County Recorder of Deeds. The plan shall be accompanied by the conditions and restrictions of the ordinance authorizing the development.
 4. All conditions relating to or limiting the use, status or operation of the development after the issuance of a building permit shall be posted in a conspicuous public place on the premises for at least fifteen (15) days prior to the issuance of an occupancy permit. As long as a substantial part of the development remains in single ownership, or ownership of any part of the property is retained or held by the developer or by Trustees with duties imposed by this Title or by conditions imposed under authority hereof, such person or persons shall maintain such list of conditions in a conspicuous place, and failure to do so shall constitute a violation of this Title.
 5. No buildings, facilities, establishments or service concerns may occupy or use any portion of the subject tract until the required improvements shown on the approved final development plan are constructed or a performance bond or escrow agreement is posted covering the estimated

cost of construction as determined by the Planning Commission. If the development is to occur in sections, all improvements necessary to the proper operation and functioning of the section, even though same may be located outside the section, must be constructed and installed or a performance bond or escrow agreement posted covering the estimated cost of improvements as determined by the Planning Commission.

6. If substantial construction or development authorized by the Planned District Ordinance or conditional use permit does not begin within the period of time specified in the conditions of the ordinance authorizing the development, the Board of Trustees may, on its own motion or on a recommendation of the Planning Commission, rezone the property or any portion thereof to the zoning district classification that prevailed prior to the approval; or, if applicable, void the Planned District Ordinance or conditional use permit authorizing the development; or both. A public hearing is not required for this rezoning and/or voiding; however, the owner shall be notified by the Board of Trustees of the proposed rezoning and/or voiding prior to the introduction of any bill for said rezoning and/or voiding.

In all cases where the ordinance, conditional use permit or approval of plans for a planned district does not specify a time within which substantial construction or development shall have begun, then in that event, unless final development plans are filed within one hundred twenty (120) days after the granting of the ordinance, conditional use permit or approval of plans for a planned district and substantial construction or development has not begun within nine (9) months of the ordinance, conditional use permit or approval of plans for a planned district, such ordinance, conditional use permit or approval of plans for a planned district shall automatically be voided and withdrawn. In the case of an ordinance changing the zoning, the tract shall be returned to the zoning classification it had prior to the rezoning. In the case of a conditional use permit, the same shall lapse and be void. In the case of approval of plans for a planned district, the approval shall be withdrawn. In all of the above three (3) cases reapplication may be made by petitioner at any time as though no application had ever been made. A public hearing for this action is not required; however, the owner shall be notified by the Board of Trustees of the proposed rezoning and/or voiding prior to the introduction of any bill for said rezoning and/or voiding.

7. The time limitations specified in the ordinance for submission of a final development plan and for commencement and completion of construction may be extended by the Board of Trustees for reason.
8. After the recording of a final development plan, changes not inconsistent with the purpose or intent of this Title may be approved by the Planning Commission. Changes affecting the purpose, intent or concept of this ordinance or the final development plan shall require a new application to be filed with the Board of Trustees.

- E. *Subsequent Application.* Upon the grant or denial by the Board of Trustees of an application for conditional use permit and/or a zoning change, no subsequent application requesting a conditional use permit and/or a rezoning, with reference to the same property or part thereof, shall be filed by any applicant, whether the same person, firm or corporation, until expiration of twelve (12) months after the final denial or grant. Unless otherwise stated at the time of approval of an ordinance authorizing a development, substantial work or construction must be commenced within one (1) year or the approval shall automatically be void.

F. *Modifications Initiated By The Board Of Trustees.* The Board of Trustees may, on its own motion, amend, supplement, change, modify or repeal the district boundaries or ordinance text. Prior to such action, a report and recommendation from the Planning Commission must be received by the Board of Trustees and publication of a public hearing notice must appear at least twice in a newspaper printed or published in the Village of Riverview. However, if no newspaper be printed or published in the Village, then said notice shall be published in some daily, tri-weekly, semi-weekly or weekly newspaper of general circulation in the Village. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit to proof of publication shall state that said publication and the newspaper in which notice was printed has met the requirements of the foregoing provisions and those of Chapter 493, RSMo., governing legal publications, notice and advertisement. Public notice for such amendments shall not require the posting of any signs. It shall not be necessary to publish notice or hold public hearings on amendments to this Title pertaining to procedural matters and to the duties and powers of officials, officers, boards, commissions and bureaus in carrying out the regulations of this Title.

G. *Fee Schedule.*

1. Prior to any action by the Board of Trustees, relative to any amendment, supplement or modification to this Title initiated by petition, the petitioner for said amendment, supplement, change or modification of the boundaries or regulations of any district shall deposit with the Village Clerk the sum of money in accordance with a schedule of fees and charges established by the Board of Trustees of the Village of Riverview. The schedule of fees and charges shall be posted in the office of the Village Clerk and may be altered or amended only by the Village Board of Trustees.
2. No fee shall be required in the event the rezoning of property is initiated with the Board of Trustees or the Planning Commission. (R.O. 2006 §435.020; Ord. 31, Bill 326 §25, Bill 257; Ord. No. 90-6 §2, 2-19-90; Ord. No. 92-08 §2, 2-17-92; Ord. No. 96-12 §2, 6-27-96; Ord. No. 97-03 §1, 2-27-97)

SECTIONS 405.930—405.950: RESERVED

ARTICLE IX. BUILDING AND OCCUPANCY PERMITS

SECTION 405.960: BUILDING PERMITS

- A. No building shall hereafter be erected, constructed, structurally altered or remodeled; nor shall any work be started thereon until a building permit has been issued by the Building Commissioner which shall state that the proposed building complies with all relevant provisions of this Title and the Riverview Building Code.
- B. Applications for building permits for developments which require Planning Commission or Board of Trustees' approval shall be accompanied by a copy of the approved drawing or plat, in duplicate, showing the lot plan; the location of the building on the lot; accurate dimensions of building and lot;

a drawing showing a section through the proposed improvement which shows the type of construction and materials to be used; the total estimated cost of the proposed improvements and such other information as may be necessary to provide for the enforcement of these regulations. If the subject lot is not a lot of record, this plat shall be prepared after the lot has been staked by a licensed surveyor or engineer. (R.O. 2006 §440.010; Ord. 31, Bill 238 §26)

SECTION 405.970: OCCUPANCY PERMITS GENERALLY

- A. No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected, structurally altered or vacated shall be occupied or used until a certificate of occupancy shall have been issued by the Building Commissioner.
- B. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all relevant building laws, health laws, ordinances, and is in compliance with the provisions of this Title. (R.O. 2006 §440.020; Ord. 31, Bill 238 §26)

SECTION 405.980: CERTIFICATE OF OCCUPANCY FOR LAND

Certificate of occupancy for the use of vacant land or the change in the character of the use of land, as herein provided, shall be applied for to the Building Commissioner before any such land shall be occupied or used. Provided such use is in conformity with the provisions of this Title, a certificate of occupancy shall be issued within five (5) days after the application has been made. (R.O. 2006 §440.030; Ord. 31, Bill 238 §26)

SECTION 405.990: CERTIFICATE OF OCCUPANCY FOR A BUILDING

- A. A certificate of occupancy for a new building, alteration of an existing building or a vacated building may be applied for in writing to the Building Commissioner coincident with an application for a building permit should both coincide. Said occupancy certificate shall be issued within five (5) days after the erection, alteration and/or inspection of such building or part thereof shall have been completed in conformity with the provisions of these regulations.
- B. Pending the issuance of a regular occupancy certificate, the Building Commissioner may issue a temporary certificate of occupancy for a period not exceeding six (6) months while the completion of alterations is occurring or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed to alter in any way the respective rights, duties or obligations of the owners or of the Village relating to the use or occupancy of the premises or any other matter covered by this Title and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- C. No merchants or operating license shall hereafter be granted to any applicant until a certificate of occupancy has been granted the applicant of such license. (R.O. 2006 §440.040; Ord. 31, Bill 238 §26)

SECTION 405.1000: RESIDENTIAL RE-OCCUPANCY PERMIT

- A. Upon a change in occupancy, it shall be unlawful for any person or family to occupy, or for any

owner or agent thereof to permit the occupation of any dwelling, dwelling unit or addition thereto, or part thereof, for any purpose until an occupancy permit shall state that the occupancy complies with all of the provisions of this Title.

- B. The fee for said occupancy permit shall be as established by the Board of Trustees.
- C. The occupancy permit shall state the names, ages, relationships and number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statement in his/her application for an occupancy permit as to the names, ages, relationships or number of occupants of the dwelling unit. No more than one (1) family as defined in this Title shall occupy each dwelling unit. All person who occupy the premises of a dwelling unit must be listed on the occupancy permit or be subject to the penalties provided in this Title.
- D. All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy, as in this Title defined, to the enforcement official. Failure to register or make such a report shall constitute a violation of this Chapter and the person or firm responsible for the failure shall be subject to the penalties of this Title.
- E. Any person, firm or corporation who shall violate any provision of this Section shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25.00) at the discretion of the court. Each day that a violation of this Section continues shall be deemed a separate offense under this Section. (R.O. 2006 §440.050; Ord. 31, Bill 238 §26)

SECTION 405.1010: FEES

- A. A fee for a permit for the construction, reconstruction, alteration, inspection, or reoccupancy of a building and all administrative fees associated with said permits shall be as follows:

Village of Riverview Building Department Schedule of Fees	
Commercial, Industrial, Multi-Family Construction Permits	
For projects under \$1,000.00	\$100.00
Over \$1,000.00	+ \$10.00 for each additional \$1,000.00 or portion thereof, maximum of \$1,000.00 permit fee
*Permit includes 2 inspections	
Residential Construction Permits	
For projects under \$1,000.00	\$50.00
Over \$1,000.00	+ \$5.00 for each additional \$1,000.00 or portion thereof, maximum of \$1,000.00 permit fee
*Permit includes 2 inspections	
Residential General Rehab Permits	\$150.00
*Permit includes 2 inspections	

Village of Riverview Building Department Schedule of Fees	
Commercial Parking Lots	\$100.00 for up to 20 spaces + \$20.00 for each additional 20 spaces
*Permit includes 2 inspections	
Sign Permits	\$25.00
*Permit includes 1 inspection	
Siding/Awning Permits	\$25.00
*Permit includes 1 inspection	
Residential Driveway Permits	\$50.00
*Permit includes 2 inspections	
Roof Permits	\$50.00
*Permit includes 2 inspections	
Concrete Sidewalk/Patio Permit	\$50.00
*Permit includes 2 inspections	
Storage Shed/Carport	\$50.00
*Permit includes 2 inspections	
Fence Permit	\$50.00
*Permit includes 2 inspections	
Demolition Permits	\$200.00
Dumping Permits	\$200.00
Administrative Fees	
Residential occupancy inspection fee	\$50.00
Commercial occupancy inspection fee	\$100.00
Occupancy permit fee	\$40.00
Additional inspections	\$25.00 each additional inspection required
Conditional occupancy permit	\$50.00
Permit extension	\$25.00
Amendment to permit	\$25.00
Service charge for refund of permit fee	\$25.00 *maximum refund 50% of permit fee
Research of records	\$20.00 per hour plus copying charges at \$.10/page
Occupancy prior to code of compliance	\$50.00

Village of Riverview Building Department Schedule of Fees		
Administrative Fees (Cont)		
Failure to call in for inspection	\$50.00	
Planning and Zoning Commission fee	\$200.00	
Board of Adjustment fee	\$100.00	
Duplicate occupancy permit	\$5.00	
Plan review as required	\$25.00	
Electrical Permits	\$75.00, plus additional fees for certain items as listed below:	
Item	First Unit	Each Additional
Electrical outlets	\$7.00	\$.60
Elevators: Per floor	\$6.00	\$.60
Elevators: Per car	\$6.00	\$.60
Service equipment:		
Up to and including 200 Amp	\$11.00	\$11.00
200—400 Amp	\$17.00	\$17.00
400—600 Amp	\$39.00	\$39.00
Over 600 Amp	\$50.00	\$50.00
Switch boards and panel boards	Same as service equipment	
Motors: Less than 5 HP	\$6.00	\$.60
Motors: More than 5 HP	\$6.00	\$5.00
Transformers	\$8.00	\$4.00
X-rays	\$8.00	\$8.00
Residential New Construction:		
Rewire	\$34.00	\$34.00
Service Installed	\$34.00	\$34.00
Service not installed	\$34.00	\$34.00
Reinspections: UE	\$34.00	\$34.00
Disconnect service	\$34.00	\$34.00
Old installation	\$34.00	\$34.00
Communications: amplifiers	\$8.00	\$.80

Village of Riverview Building Department Schedule of Fees		
Electrical Permits (Cont)		\$75.00, plus additional fees for certain items as listed below:
Item	First Unit	Each Additional
Residential New Construction (Cont):		
Communications: telephones	\$8.00	\$.80
Communications: antenna	\$8.00	\$.80
Burglar alarms	\$8.00	\$.80
Cable TV: head-end station	\$4.00 per mile	
Cable TV: power booster	\$29.00	\$29.00
Electric heat, per 10 KW	\$6.00	\$6.00
Plan review as required	\$25.00	
Additional inspections	\$25.00 per additional inspection	
Failure to call in for inspection	\$50.00	
Permit extension	\$25.00	
Amendment to permit	\$25.00	

- B. Until all applicable fees, charges, liens, fines, or assessments have been paid in full, no action will be taken on any application. (R.O. 2006 §440.060; Ord. 31, Bill 238 §26; Ord. 31, Bill 255; Ord. No. 92-04 §1, 1-20-92; Ord. No. 92-10 §1, 3-16-92; Ord. No. 92-11 §1, 3-16-92; Ord. No. 92-13 §1, 4-20-92; Ord. No. 96-18 §1, 8-22-96; Ord. No. 01-24 §1, 6-28-01; Ord. No. 03-31 §1, 9-25-03; Ord. No. 06-24 §1, 11-30-06; Ord. No. 10-17 §1, 10-28-10)

SECTION 405.1020: PERMIT RECORDS

A record of all permits shall be kept on file in the office of the Building Commissioner. Copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. (R.O. 2006 §440.070; Ord. 31, Bill 238 §26)

SECTIONS 405.1030—405.1060: RESERVED

ARTICLE X. NON-CHARTERED PAYDAY AND TITLE LOAN BUSINESSES**SECTION 405.1070: DEFINITIONS**

As used in this Article and throughout this Chapter, the following terms shall have these prescribed meanings:

PAYDAY LOAN BUSINESS: The business of making loans for a period of thirty (30) days or less in duration, intended to coincide with the period of one (1) payday of the borrower to the next and in principal amounts of five hundred dollars (\$500.00) or less.

TITLE LOAN BUSINESS: The business of lending money with the pledge of personal property as collateral, evidenced by a certificate of title issued by the State of Missouri and regulated under Sections 367.500 through 367.533, RSMo., as from time to time amended. (Ord. No. 07-20 §1, 11-29-07)

SECTION 405.1080: NON-CONFORMING USE

A non-conforming use of land existing lawfully at the time of the enactment of this Section may be continued, but shall not be extended, expanded or enlarged. Those businesses that were in legal operation at the same location as of the effective date of this Article shall be considered as legal non-conforming uses. An existing business shall be one that has been in continuous operation under the same business name and ownership from and after the date of enactment of this Section. (Ord. No. 07-20 §1, 11-29-07)

SECTION 405.1090: SEPARATION REQUIREMENTS

No permit shall be issued for any payday or title loan business that is located within two thousand five hundred (2,500) feet of any other payday or title loan business or within two hundred (200) feet of any property used primarily for a single-family residence, a two-family residence, a town home or an apartment building. The separation distances shall be measured from or to the outer wall of the payday or title loan business and from or to the property line of the property containing the residential use. The minimum separation distances shall be measured from any payday or title loan business or residence located within the limits of the Village of Riverview or outside and immediately adjacent to the Village limits. This separation provision shall not apply to an existing business that has been in continuous operation at the same location and under the same business name and ownership from and after the date of enactment of this Section. (Ord. No. 07-20 §1, 11-29-07)

SECTION 405.1100: BUILDINGS WHERE LOCATED

Each payday and title loan business shall be located within a multi-tenant commercial building, housing not less than four (4) separate occupancies. (Ord. No. 07-20 §1, 11-29-07)

SECTION 405.1105: PENALTY

Any violation of any provision of this Article by a person or business shall be subject to the penalties, fines and enforcement provisions set forth in Section 100.090 of the Code of the Village of Riverview. (Ord. No. 07-20 §1, 11-29-07)

ARTICLE XI. ENFORCEMENT AND PENALTIES**SECTION 405.1110: ENFORCEMENT**

- A. It shall be the duty of the Building Commissioner to enforce the provision of this Title. The Board of Trustees may deputize one (1) or more additional members for his/her staff, as well as members of other Village departments who have a particular skill or competence to act for the Building Commissioner. The term "Building Commissioner", as used elsewhere in this Title, shall be deemed to include such deputies.
- B. The Building Commissioner shall enforce the provisions of this Title by authorizing the issuance of building permits and occupancy permits. By means of field inspections and other activities delineated herein, he/she shall ensure conformance with this Title. He/she shall maintain a list and file of all non-conforming uses and developments which are subject to the provisions of Article VII "Non-Conforming Uses—Lands And Structures" of this Chapter. Upon the advice of the Village Attorney, the Building Commissioner shall take appropriate action to assure that all uses and developments within the Village limits comply with this Title and any ruling made pursuant thereto. The Building Commissioner is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress and to order the stoppage of work being done in violation of this Title. He/she shall inspect, or cause to be inspected, such premises after work is completed and shall not authorize the issuance of any occupancy permit until final inspection has been made.
- C. The Building Commissioner shall have the power to adopt such administrative regulations as he/she deems necessary to the carrying out of his/her enforcement responsibilities. These regulations shall have general applicability to cases of similar character.
- D. No building, structure or part thereof shall hereafter be erected, constructed or enlarged; nor shall any building, structure or part thereof be hereafter occupied or used in any case of establishment of a new use, extension or alteration of cause; or converted from one use to another use until the Building Commissioner authorizes the issuance of a proper permit. However, no permit shall be required for the raising of agricultural crops or orchards.
- E. No building, structure or part thereof shall be erected, constructed, reconstructed or enlarged, nor shall such work be started without the issuance of a building permit authorized by the Building Commissioner. This permit shall state that the construction complies with the provision of this Title.
- F. Except as previously provided, no land shall be occupied or used and no building or structure hereafter erected shall be occupied or used, in whole or in part, for any purpose until an occupancy permit is issued. Said permit shall state that the structure and use comply with the provisions of this Title. The use of any land, building, structure or part thereof, now or hereafter erected, shall not be changed until an occupancy permit is issued. No occupancy permit shall be issued for a change in use unless such change is in conformity with the provisions of this Title.

- G. The Planning Commission or its authorized representative and the Building Commissioner or his/her authorized representatives are hereby empowered, in the performance of their functions, to enter upon any land in the Village for the purpose of making inspections, examination and surveys or to place and maintain thereon monuments, markers, notices, signs or placards required to effectuate the purpose and provisions of this Title. All authorized representatives shall be required to present proper credentials upon demand when entering upon any land or structure.
- H. The Building Commissioner, his/her deputies or other inspectors may cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of the Zoning Code by posting a "stop work" or "stop use" notice on the premises and by notice in writing to the owner of the property involved, or to his/her agents, or to the person doing the work in the case of a "stop work" order, stating the nature of the violation.
- I. The Building Commissioner may refer any violation of this Title to the Village Attorney for prosecution or other appropriate action when deemed necessary.
- J. The Police Department shall aid the Building Commissioner in enforcing this Title by posting "stop work" or "stop use" notices when requested by the Building Commissioner. (R.O. 2006 §450.010; Ord. 31, Bill 238 §28; Ord. No. 03-36 §1, 10-23-03)

SECTION 405.1120: VIOLATIONS—PENALTIES

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the Board of Trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made pursuant to the authority of Sections 89.010 to 89.140, RSMo.
- B. Except as provided in Subsection (D) of this Section, the owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

Cross Reference—As to penalty for removal of official village notice on building or premises, §215.302.

CHAPTER 410: SUBDIVISION CODE

SECTION 410.010: GENERAL PROVISIONS

- A. *Short Title.* The ordinance contained in this Chapter shall be known and cited as the "Subdivision Ordinance of the Village of Riverview, Missouri", hereinafter referred to as "this Chapter".
- B. *Purpose.* This Chapter is enacted to set forth procedures and regulations governing the subdivision of real property; to establish minimum standards for the design and development; and to facilitate the adequate provision of water sewerage, schools, parks and other public requirements thereby improving the health, safety and general welfare of the inhabitants of the Village of Riverview.
- C. *Interpretation.*
1. In interpreting and applying this Chapter, the provisions contained herein are minimum requirements for purposes set forth.
 2. When not inconsistent with the context, words used in the present tense include the future; words in the singular include plural, and words in the plural include the singular; the words, "shall", "will" or "must" are mandatory, not merely directory.
- D. *Effect On Previous Ordinances.* Ordinances relating to the subdivision of land existing at the time of passage of this Chapter are superseded and amended as herein set forth; provided however, that this Chapter shall be construed as a continuation of previous ordinances and not a new enactment insofar as the substance of revisions of previous ordinances is included herein. (R.O. 2006 §460.010; Ord. 177, Bill 483 Art. I §§1—5)

SECTION 410.020: DEFINITIONS

- A. *General.* For purposes of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section. Generally, the word "building" includes the word "structure", the word "lot" includes the word "plot", and the phrases "used" or "used for" include the meaning "designed for" or "intended for". Terms not herein defined but defined in the Building Code shall be construed as defined herein. Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. *Definitions.* For purposes of this Chapter, certain terms used herein are defined as follows:
- BLOCK:** A parcel of land entirely surrounded by public highways, streets, streams, parks, right-of-way or combination thereof.
- BUILDING LINE:** A line delineated on a map or plat between which line and street or private right-of-way no building or structure may be erected or extended.
- CUL-DE-SAC:** A street having one (1) end open to traffic and permanently terminating in a vehicle turnaround.
- EASEMENT:** A grant of the use of a specified portion of land for specific purposes.

LOT: A portion of a subdivision or other parcel of land intended as a unit for development, transfer of ownership or similar purposes.

PLAT: A map, drawing or chart on which a plan of a subdivision is presented for either preliminary or final approval as provided for in this Chapter.

SUBDIVIDER: Owner(s), their agents or other persons or corporations undertaking the subdividing of a tract of land.

SUBDIVISION: The division of a lot, tract or parcel of land into two (2) or more lots or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (R.O. 2006 §460.020; Ord. 177, Bill 483 Art. II §§1—2)

SECTION 410.030: PROCEDURES

A. *Preliminary Approvals.* All subdivisions of land proposed within the Village of Riverview shall require preliminary review by the Planning Commission in accordance with the procedures set forth below.

1. The subdivider shall submit two (2) copies of a preliminary sketched plan delineating the land to be subdivided to the Planning Commission for its preliminary study and approval. Said plan shall be drawn to scale and shall depict the general topography of the tract, locations of proposed streets, lot lines, building lines, parks or open spaces, and surrounding streets, lots, watercourses, sewers and water mains. The scale of said preliminary plan(s) shall not be less than one (1) inch to one hundred (100) feet. A written statement of the type and character of proposed deed restrictions or covenants shall be submitted with the preliminary plan.
2. The Planning Commission shall review preliminary plats for conformance with the minimum standards and requirements set forth in Section 410.040 and shall approve or reject such plats within sixty (60) calendar days of the date of submission. If no action is taken by the Commission within the specified sixty (60) days, the preliminary plat shall be deemed to be approved; provided that, however, the subdivider may request in writing and be granted an extension of said review period not to exceed sixty (60) days. A certificate or statement shall accompany or be affixed to preliminary plans approved by the Commission showing compliance with the requirements of this Chapter.

B. *Final Approvals.* Preliminary plans approved in accordance with the procedures set forth in the previous Section shall require the review and final approval of the Village Planning Commission and the Board of Trustees as set forth below:

1. The subdivider shall submit a final ink on tracing cloth or mylar map and two (2) prints delineating the proposed subdivision to the Planning Commission for its approval or rejection. Said final map shall be prepared by and shall bear the signature and seal of a professional engineer licensed to practice in the State of Missouri. Said map shall be drawn to scale and not less than one (1) inch to one hundred (100) feet and shall depict:
 - a. Boundaries of the property and lines of all proposed streets and alleys, with their widths and names; any other areas to be dedicated to public use.

- b. Lines of adjoining streets and alleys, with their widths and names.
 - c. All lot lines, building lines and easements.
 - d. All dimensions, both linear and angular, of boundaries, lots, streets, alleys, easements, building lines and any similar public or private uses; radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for all curvilinear boundaries, lot lines and easement lines. Linear dimensions shall be expressed in feet and decimals of a foot.
 - e. All monuments and their descriptions.
 - f. Title and description of the property subdivided, its location and extent, points of compass, scale of the plan and name of the subdivider and engineer.
 - g. Plan and profile of all proposed streets, storm and sanitary sewers, water lines and drainage structures, drainage area; cross sections of street and sidewalk grading and proposed construction.
 - h. Reference to any private restrictions and trusteeships of expiration and acknowledgments of owners and mortgagees accepting said plat and restrictions. A certificate of payments of all taxes due shall accompany the final plat submittal.
- 2. The Planning Commission shall review final plats for conformance with the requirements set forth above and with the minimum standards and requirements set forth in Section 410.040. If approved, the approval and date shall be noted on the plan over the signatures of the Chairman and Secretary of the Planning Commission.
 - 3. After action by the Planning Commission, the final plan shall be submitted to the Board of Trustees for final approval and acceptance of streets, alleys, ways, easements, parks or other areas preserved for or dedicated to public use.
- C. If disapproved by the Commission, the Commission shall communicate its reasons to the Board of Trustees and the Board of Trustees, by a vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership, may overrule the disapproval and approve the plat. Upon approval, two (2) copies of the final plat shall be filed in the office of the Village Clerk.
 - D. Each application for subdivision review or approval or any other review under the provisions of this Chapter shall be accompanied by a fee of two hundred dollars (\$200.00) which shall be paid to the Village Clerk at the time any application is filed in order to defray the cost of the services provided by the Village. (R.O. 2006 §460.030; Ord. 177, Bill 483 Art. III §§1—2; Ord. No. 95-01 §1, 1-26-95; Ord. No. 96-07 §2, 5-30-96)

SECTION 410.040: MINIMUM DEVELOPMENT STANDARDS

A. *Street System.*

- 1. Arrangement of streets in new subdivisions shall make provisions for the proper location and width of major streets. Subdividers may be required to continue certain adjoining streets

through the area subdivided, where necessary, to provide for local movements or vehicles or to enable adjoining property to be properly subdivided. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Before final plan for the subdivision shall be approved, the subdivider shall submit to the Board of Trustees a statement from the local Postmaster approving the names of the proposed streets and of the proposed system of postal addresses along such streets.

2. The widths for major streets shall conform to widths designated on the major street plan for the Village. The minimum right-of-way width for minor streets shall be fifty (50) feet; provided however, that where the topography, length or other conditions render a street of greater width more suitable, the above requirements may be increased. Alleys should not be provided in residential districts. Alleys may, however, be required in the rear of all non-residential lots and shall be at least twenty (20) feet wide.
3. Where it is desirable to subdivide a tract of land, which because of its size or location does not permit a normal street arrangement, there may be established one (1) or more "places". Such a place may be in the form of a court, a cul-de-sac or other arrangement; provided however, that proper access shall be given to all lots from a dedicated public thoroughfare. If such a place is more than two hundred fifty (250) feet in length, it shall terminate in vehicular turnaround (preferably circular) having a minimum dimension of one hundred (100) feet. No cul-de-sac or place shall exceed one thousand (1,000) feet in length.

B. Easements.

1. Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.
2. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water and shall also provide and dedicate to the Village an adequate easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the stream and for recreational use.

C. Lot And Building Lines.

1. The minimum area of any lot in a subdivision shall not be less than the minimum lot area requirements of the zoning district in which the area is located. No lot shall have a width of less than fifty (50) feet at the building line.
2. Building lines shall be shown on all lots intended for residential use of any character and on commercial lots immediately adjoining residential area. Such building lines shall not be less than required for the Village plan. Provisions shall be made by deed requiring all enclosed parts of building to be set back of such building lines.

- D. Required Improvements.** Before the final plat of any subdivided area shall be approved and recorded and the streets and other public spaces accepted, the subdivider shall make and install the

improvements described in this Section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a surety bond in an amount approved by the Board of Trustees which will insure that the improvements will be completed by the subdivider within two (2) years after final approval of the plan. The amount of the bond shall not be less than the estimated cost of the improvements. If the improvements are not completed within the specified time, the Board of Trustees may use the bond or any necessary portion thereof to complete required improvements. The minimum improvements installed in any subdivision shall be in accordance with the following:

1. The subdivider shall grade and improve all new streets and alleys within the subdivided area. The paving on such streets shall be concrete or bituminous macadam having a minimum width of twenty-six (26) feet from back to back of curbs and gutters. Curbs and gutters shall be of concrete and conform to the minimum requirements and standards of the Village. In some instances, bituminous macadam curbing may be installed as determined by the Planning Commission. Such decision shall be dependent on location, topography and general layout of the subdivision. Where permitted, bituminous macadam curbing shall conform to the minimum requirements and standards of the Village for that type of construction.
2. The subdivider shall pay the cost of all labor, materials and incidental expense required for the installation of water mains and fire hydrants in the subdivided area. Refund of money for the installations shall be made in accordance with the contract entered into with Missouri-American Water Company to the subdivider by said water company. Such installation on the water mains and fire hydrants aforesaid shall be performed by the Missouri-American Water Company in accordance with the standards and specifications as approved by the Board of Trustees. Water mains and hydrants, when installed, shall at once become the property of the Missouri-American Water Company, and said company shall have exclusive control and use thereof, subject to the right of the residents of the subdivided area to be connected therewith, under the rules and regulations of the Missouri-American Water Company.
3. The subdivider shall install sanitary sewers and provide a connection for each lot. Such installations shall be in accordance with the standards and specifications of the Village. Before the improvement is started, the plan therefor shall be approved by the Board of Trustees. If no existing outlet sewers are within reasonable distance, the subdivider shall make such provision for the treatment or disposal of sewage as will properly care for and protect the health, safety and welfare of the existing and probable future population within the subdivision and surrounding area in accordance with the requirements of the Village.
4. The subdivider shall install storm sewers to provide proper drainage of the development. Such installation shall be in accordance with the standards and specifications of the Village. Before the improvement is started, the plan therefor shall be approved by the Board of Trustees.
5. The subdivider shall deposit with the Village Clerk the sum of money, the amount to be determined by the Board of Trustees for inspection of the improvements during construction or subdivider may elect to employ, at his/her own expense, a professional engineer licensed to practice in the State of Missouri. Said engineer shall be subject to approval by the Board of Trustees and shall furnish the Board of Trustees certificate of inspection of the work upon completion. (R.O. 2006 §460.040; Ord. 177, Bill 483 Art. IV §§1—4)

SECTION 410.050: ENFORCEMENT**A. Approvals And Validity.**

1. No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
2. The Board of Trustees shall not permit public improvements over which it has control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Chapter unless such subdivision or street has been approved in accordance with the provisions contained herein.

- B. *Variations And Exceptions.* Whenever the strict enforcement of these regulations would entail unusual difficulties or hardships, the Planning Commission and Board of Trustees may vary or modify them in such a way that the subdivider be allowed to plan and develop his/her property and record a plat of same; provided however, that the public welfare and interests of the Village be fully protected and the general intent and spirit of the regulations preserved. (R.O. 2006 §460.050; Ord. 177, Bill 483 Art. V §§1—2)

SECTION 410.060: AMENDMENTS

Procedural Requirements. The Board of Trustees of the Village may from time to time, on its own motion or on petition, amend, supplement or change by ordinance the regulations and districts herein or subsequently established after report by the Planning Commission and after public hearing, fifteen (15) days' notice of the time and place of which shall have been given by publication in a newspaper having general circulation within the Village. (R.O. 2006 §460.060; Ord. 177, Bill 483 Art. VI §1)

CHAPTER 415: LAND DISTURBANCE CODE

ARTICLE I. ADMINISTRATION

SECTION 415.010: TITLE

These regulations shall be known as the Land Disturbance Code of the Village of Riverview, Missouri, hereinafter referred to as "this code". (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.020: DEFINITIONS

- A. *General.* For the purpose of this code, the following terms, phrases, words and their derivations shall have the meanings given herein. Where terms are not defined by this Section, such terms shall have ordinarily accepted meanings such as the context implies.
- B. *Definitions.* As used in this Chapter, the following terms shall have these prescribed meanings:

ARMY CORPS OF ENGINEERS: The Army Corps of Engineers, acting through its Director or his/her duly authorized designee.

BEST MANAGEMENT PRACTICES (BMP): Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in stormwater discharges associated with construction and land disturbance activities. BMPs also include treatment and requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage, and both structural and non-structural measures to control, treat or prevent stormwater runoff pollution within waters of the State. "*Structural measures*" means engineered devices and "*non-structural measures*" include, but is not limited to, alternative site design, ordinance and zoning, education and good housekeeping measures. Types of BMPs include, but are not limited to:

1. State-approved standard specifications and permit programs.
2. Employee training in erosion control, material handling and storage, and housekeeping for maintenance areas.
3. Site preparation such as grading, surface roughening, topsoiling, tree preservations and protection, and temporary construction entrances.
4. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian grass or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover.
5. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter division devices, retention and detention basins, and

sediment traps and barriers, sediment basins, sediment (silt) fence and staked straw bale barriers.

6. Runoff conveyance measures such as grass-lined channels, riprap and paved channels, temporary slope drains, paved flumes or chutes and slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, plastic sheets or other materials that will adequately control erosion.
7. Inlet and outlet protection.
8. Stream bank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel.
9. A critical path method analysis or a schedule for performing erosion control measures.
10. Other proven methods for controlling runoff and sedimentation.

BUILDING DEPARTMENT: The Village of Riverview Building Department, acting through its Director or his/her duly authorized designee.

CLEARING: Any activity that removes the vegetative surface cover or destroys the root system.

CODE, THIS CODE: The "Land Disturbance Code" of the Village of Riverview, Missouri.

CONSTRUCTION SITE OR LAND DISTURBANCE SITE: A parcel or contiguous parcels where land disturbance activities are performed as part of a development.

COUNTY: St. Louis County, Missouri.

DEBRIS OR SEDIMENT BASIN: A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials.

DEPARTMENT OF HIGHWAYS AND TRAFFIC: The County Department of Highways and Traffic, acting through its Director or his/her duly authorized designee.

DEPARTMENT OF PUBLIC WORKS: The Village of Riverview Department of Public Works, acting through its Director or his/her duly authorized designee.

DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

DRAINAGE WAY: Any channel that conveys surface runoff through a site.

EROSION: The wearing away of land surface through the action of wind or water.

EROSION CONTROL: Any Best Management Practices (BMP) that prevents or minimizes erosion.

EXCAVATION OR CUT: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavations or filling.

FEMA: Federal Emergency Management Agency.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

FINISHED GRADE: The final grade or elevations of the ground surface conforming to the proposed design.

GRADING: Reshaping the ground surface through excavation and/or fill material.

LAND DISTURBANCE ACTIVITIES: Clearing, grading or any related work which results in the removal of the natural site vegetation or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

LAND DISTURBANCE, MAJOR: Any land disturbance activity involving one (1) acre or more of land or a site involving less than one (1) acre that is part of a proposed development that will ultimately disturb one (1) acre or more.

LAND DISTURBANCE, ORDINARY: Any land disturbance activity involving less than one (1) acre of land.

LAND DISTURBANCE PERMIT: A permit issued by the authority having jurisdiction and authorizing a land disturbance activity at a specific site subject to conditions stated in the permit. A land disturbance permit may be for any one (1) or more major or ordinary land disturbance activities.

MISSOURI DEPARTMENT OF NATURAL RESOURCES: The State Department of Natural Resources, acting through its Director or his/her duly authorized designee.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES): Federal legislation that requires Cities to establish permit procedures to control sediment pollution.

PERIMETER CONTROL: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PHASING: Clearing a parcel of land in distinct stages with the stabilization of each phase substantially completed before the clearing of the next.

QUALIFIED PROFESSIONAL: A Missouri licensed professional engineer or other person or firm knowledgeable in the principles and practices of erosion and sediment control, including the Best Management Practices described in this code.

RUNOFF COEFFICIENT: The fraction of total rainfall that exits at the outfalls from a site.

SEDIMENT: Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SEDIMENT CONTROL: Any Best Management Practices (BMP) that prevents eroded sediment from leaving a site.

SILT TRAPS OR FILTERS: Staked bales or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage for stormwater runoff.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

STABILIZATION: The use of Best Management Practices (BMP) that prevent exposed soil from eroding from a land disturbance site.

START OF CONSTRUCTION: The first (1st) land disturbance activity associated with a development.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A management plan, the purpose of which is to ensure the design, implementation, management and maintenance of Best Management Practices in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities, comply with the standards of the Village and County, and ensure compliance with the terms and conditions of the applicable State permits, including adherence to the land disturbance program contained in the Missouri MS4 NPDES permits.

STREAM BANK, TOP OF EXISTING: The usual boundaries, not the flood boundaries, of a stream channel. The top of a natural incline bordering a stream.

VILLAGE: The Village of Riverview, Missouri.

WATERCOURSE: A natural or artificial channel or body of water, including, but not limited to, lakes, ponds, rivers, streams, ditches and other open conveyances, that carry surface runoff water either continuously or intermittently. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.030: APPLICABILITY

Other Laws. The provisions of this code shall be interpreted consistent with, and shall not be deemed to nullify, any related provisions of Village, County, State or Federal law. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.040: ENFORCEMENT

A. **Building Department.** The Building Department shall have the authority and responsibility to perform the following functions related to the enforcement of this code, including:

1. Receive applications for major land disturbance permits;
2. Coordinate the review of major land disturbance permit applications and accompanying

documents with Village departments and the Metropolitan St. Louis Sewer District (MSD), Department of Natural Resources and Corps of Engineers, if necessary;

3. Issue major land disturbance permits in coordination with the departments of the Village, the Metropolitan St. Louis Sewer District (MSD), Department of Natural Resources and Corps of Engineers, if necessary;
 4. Inspect major land disturbance activities;
 5. Inspect land disturbance activities within or abutting areas designated 100-year floodplain;
 6. Receive applications, perform plan review, inspect and issue permits for ordinary land disturbance activities relating to Best Management Practices to be utilized to control erosion and sedimentation from leaving the site during construction and other land disturbance activities;
 7. Plan review of major land disturbance activities;
 8. Plan review and inspection of land disturbance activities related to construction, repair, maintenance or condition of roadways and roadway right-of-ways which are maintained by the Village;
 9. Plan review of land disturbance activities within or abutting areas designated 100-year floodplain; and
 10. Administer the determination, collection and release of site development escrows required by this code.
- B. The Building Department shall promptly issue a land disturbance permit upon determination that all applicable provisions of this code have been met. No major land disturbance permit or ordinary land disturbance permit shall be issued if the Building Department finds that the proposed land disturbance activity would result in a material change in the amount or pattern of surface water runoff to the substantial injury of neighboring public or private property or right-of-way.
- C. All land disturbance activities shall be carried out in such a manner as to minimize inconvenience and harm to adjacent properties and property owners.
- D. Departments having enforcement authority and responsibilities described in this code shall have the authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate interpretations to implement the provisions of this code in order to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such interpretations shall not have the effect of waiving requirements specifically provided for in this code or of violating accepted engineering practices involving the purpose of this code.
- E. The Village shall not be liable to any person or entity for any action taken pursuant to the authority of this code or for failure to take action authorized by this code. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.050: VIOLATIONS

- A. *Unlawful Acts.* It shall be unlawful for any person, firm or corporation to perform any land disturbance activities or cause or allow same to be done in conflict with or in violation of any of the provisions of this code.

- B. Whenever the enforcement personnel find evidence of a violation of any provision of this Article, written notice thereof shall be given to the responsible party (owner and/or occupant as the case may be). Such notice shall be in writing and shall include:
1. A statement of the provisions being violated, together with a designation of the remedial action to be taken;
 2. The period of time within which such remedial action shall be completed, which time shall be a reasonable period of time under all of the circumstances;
 3. A notice of the penalty for failure to timely remove or abate the violation, including that a summons will be issued for a hearing before the Municipal Court;
 4. A statement that if the violation reoccurs within a period of twelve (12) months after the aforesaid date by which the violation shall be removed or abated, a summons may be issued without further notice. Such notice shall be served by the enforcement personnel by delivering a copy to the responsible party or by sending a copy of the notice by registered or certified mail with return receipt requested to the last known address, or if the address of the responsible party is unknown, by posting a copy of such notice in a conspicuous place in or about the property affected by the notice. The notice shall be deemed served on the date delivered or received or ten (10) days after posting.
- C. The responsible party shall remedy the conditions specified in such notice within the time designated therein, provided that the enforcement personnel may, for good cause, extend the time for compliance with any such notice.
- D. Once notice has been given to a person regarding a violation, if the same violation recurs in or on the same lot or tract of land, or land adjacent thereto, within twelve (12) months after the date stated in the notice as the deadline to remove or abate the violation, no further notice shall be required and the same person may be summoned into Municipal Court regarding the recurring violation.
- E. If a warning notice is given as provided in Subsection (D) and, if after the time for removal or abatement has lapsed, the property is reinspected and the inspector finds and determined that the violation has not been removed or abated, the inspector shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owner or person in charge of the property showing the address or legal description of the property on which the violation is located and such other information as may be available to the inspector and setting forth, in general, the nature of the violation and may serve the summons on the occupant, owner or person in charge or any or all such persons. If a notice is not required under Subsection (F), the inspector who finds and determines that a violation has recurred may fill out and sign as the complainant a summons as provided above and may serve the summons on any person who is not entitled to notice under Subsection (F). The summons shall contain a date on which the case will be on the Municipal Court docket for a hearing. The Village's prosecuting attorney or associate prosecuting attorney shall sign the original copy of all such summons and the original thereof shall be forwarded to the Municipal Court Clerk for inclusion on the court's docket for the date shown on the summons. If the violation is corrected prior to court date, the inspector may request the prosecuting attorney to dismiss the matter. If the matter is dismissed, notice of dismissal shall be promptly provided to the summoned party.
- F. If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspector shall fill out and sign the summons as the complainant as provided in Subsection (B)

and deliver the original and one (1) copy of the summons to the Municipal Court Clerk. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid, to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the Village, it shall be deemed to have been delivered and received by the person to whom addressed.

- G. *Violation, Penalties.* Any person, firm or corporation who shall violate any provision of this code, or who shall fail to comply with any of the requirements thereof, or who shall perform work in violation of the approved construction documents or the Storm Water Pollution Prevention Plan or any directive of the Building Department or of a permit or certificate issued under the provisions of this code or shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about a structure after having been served a stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe conditions, or any owner of a property or any other person who commits, takes part or assists in any violation of this code or who maintains any property on which such violation shall exist shall be a misdemeanor.
- H. *No Permit, Penalty.* In addition to the penalties set out above, the following procedure shall be followed where the Building Commissioner determines that work has been started prior to the acquisition of a permit required by this code:
1. The Building Commissioner shall issue a stop work order.
 2. The Board of Trustees' designee shall notify the violator of his/her assessment regarding the appropriate penalty amount to be assessed against the violator, which shall not exceed one thousand dollars (\$1,000.00) for each day that the work occurs without a permit. In making this assessment, the department shall consider whether the violator has previously violated this code and whether the occupation or experience of the violator indicates that he/she knew or should have known that a permit was required. In no case will a no permit penalty be assessed against a property owner unless he/she actually performed the work involved.
 3. The violator shall either accept the penalty assessment and pay the assessed penalty amount (certified check or cash only) to the Village department or pursue a timely appeal.
 4. In the even of an appeal, the department may revise its assessment upon notice to both the Village Clerk and the violator at any time prior to the hearing. Likewise, at any time prior to the hearing, the violator may accept and pay the recommended penalty amount and the hearing will be canceled.
- I. *Abatement Of Violation.* The imposition of the penalties herein prescribed shall not preclude the Village from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal use of a property or to stop an illegal act.
- J. *Permit Suspension Or Revocation.* When a land disturbance activity is conducted in violation of the requirements of this code or the terms of the permit in such a manner as to materially adversely affect the safety, health or welfare of such persons or materially be detrimental or injurious to property or improvements, the Building Department may suspend or revoke such permit.
- K. *Stop Work Order.* Upon notice from the Building Department that work on any property is being carried on contrary to the provisions of this code or in an unsafe and dangerous manner, such work

shall be immediately stopped. The stop work order shall be in writing and be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume.

- L. *Unlawful Continuance.* Whenever the Building Department finds that any land disturbance activity is being carried on contrary to the provisions of this code or in an unsafe and dangerous manner, the owner or the person performing such activity shall immediately stop such activity. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in this Title. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.060: APPEALS

- A. *Application For Appeal.* Any person shall have the right to appeal a decision of the Building Department to the Board of Adjustment. An application for appeal shall be based on a claim that the intent of this code or the rules or regulations adopted there have been incorrectly interpreted or the provisions of this code do not apply.
- B. *Resolution.* The decision of the Board of Adjustment shall be in writing. Copies shall be furnished to the appellant and to the Building Department.
- C. *Administration.* The applicable department shall take immediate action in accordance with the decision of the Board of Adjustment.
- D. *Court Review.* A party adversely affected by a decision of the Board of Adjustment may appeal to an appropriate court from such decision. Application for review shall be made in the manner and time required by law following the filing of the decision.
- E. *Payment.* Upon conclusion of any and all timely review proceedings, the final assessed penalty shall be immediately paid. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.070: LAND DISTURBANCE PERMITS REQUIRED

- A. *Permit Required.* Any person who intends to conduct any land disturbance activity must obtain a permit prior to beginning the activity. The type of permit shall be as required by Section 415.070(B) or Section 415.070(C) of this code.
- B. *Major Land Disturbance Permit.* No person shall perform any major land disturbance activity prior to receipt of a major land disturbance permit. Applications for major land disturbance permits shall be filed with the Building Department.
- C. *Ordinary Land Disturbance Permit.* No person shall perform any ordinary land disturbance activity prior to the receipt of an ordinary land disturbance permit. Applications for ordinary land disturbance permits shall be filed with the Building Department.

- D. *Building Permit And Related Ordinary Land Disturbance Activities.* The Building Department may include ordinary land disturbance activities associated with the construction of a building, structure or parking lot authorized by a permit issued under the building code as an integrated permit for the proposed construction.
- E. *Limitation On Transfer Of Land Disturbance Permits.* Any person who buys land from a person who has been issued a land disturbance permit under Section 415.070(B) or Section 415.070(C) of this code must obtain a separate land disturbance permit from the Village, except that major land disturbance permits and ordinary land disturbance permits may be transferred to a new landowner provided the original permit holder obtains the approval of the Building Department and retains responsibility for the land disturbance activities on such property. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.080: EXCEPTIONS—LAND DISTURBANCE PERMITS NOT REQUIRED WHEN

- A. Land disturbance permits are not required for the following activities:
1. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
 2. Land disturbance activities by any public utility for the installation, inspection, repair or replacement of any of its equipment or for its collection or distribution lines or piping systems, provided erosion and sediment control measures are provided until grass or other vegetation is established or other approved ground cover means are used. This exception does not apply to any land disturbance activity associated with work that requires a building permit.
- B. Land disturbance permits are not required for the following activities, provided the activity does not alter, or cause to be altered, the present surface of the ground by any cut or fill at the property line; or by any cut or fill that would permanently divert one drainage area to another drainage area; or by any cut or fill which would deposit mud or harmful silt or create erosion or damage to adjoining properties; or by any cut or fill that would block or affect an existing swale or drainage path in a manner to cause damming and ponding.
1. Grading of land that does not remove or destroy more than five thousand (5,000) square feet of tree canopy coverage in one (1) year or less for bona fide farming, nurseries, landscaping or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local conservation authority, provided however, that this exception shall not include or exempt from the permit requirement any grading in anticipation of or in preparation for construction of buildings or any construction or development that would require rezoning or subdivision of the land.
 2. Land disturbance for residential purposes on any lot of three (3) acres or less containing a single-family residence for which an occupancy permit has been issued; provided appropriate measures are taken to prevent increased site erosion, water runoff, siltation or other damage to neighboring property. Where it is determined that such erosion measures are not being taken, the Building Department may revoke application of this exemption to the subject site.
 3. Land disturbance activities involving less than fifteen (15) cubic yards of earth/soil moved and less than two thousand (2,000) square feet of disturbed area provided the land disturbance

activity is for the improvement of the property. Erosion and sediment control measures shall be provided, when necessary, until grass or other vegetation is established or other approved means of ground cover are used.

4. Land disturbance activities associated with additions to and accessory structures for one- and two-family dwellings.
 5. Removal of existing or dying grass or similar vegetation by disturbing not more than ten thousand (10,000) square feet and resodding or reseeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established. Any cut or fill in conjunction with the preparation of the seed bed shall not exceed thirty (30) cubic yards.
 6. Gardening and similar activities on property occupied by one- or two-family dwellings.
- C. *State Of Missouri Permits Required.* The applicant must obtain a land disturbance permit from State of Missouri Department of Natural Resources for any site where one (1) acre or more of land will be disturbed before beginning any site work authorized by a Village permit. This requirement applies to sites of less than one (1) acre that are part of a proposed development that will ultimately disturb one (1) acre or more. A copy of the State application and permit must be included in the application of the Village. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.090: LAND DISTURBANCE PERMIT APPLICATIONS

- A. *Permit Applications.* Applications for land disturbance permits required by this code shall be in the form prescribed by and accompanied by the site plans and documents determined necessary by the Building Department. Applications for land disturbance permits shall include proof that proposed land disturbance and uses have received any applicable zoning approval from the Village.
- B. *Photographs/Videotaping.* It shall be the duty of the Building Department, immediately prior to the time of designating the route or routes or alternate route or routes as provided above, to examine the condition of the streets to be used and to photograph or videotape the streets, showing the condition of the pavement, curbs, sidewalks and other physical features, which shall be dated and a memorandum made of the location shown by such photographing. Within five (5) days after the termination for the use of the streets as herein provided, it shall be the duty of the Building Commissioner to have additional photographs or videotapes made and proper descriptive matter included therewith.
- C. *Inspection.* In addition to the taking of photographs before and after construction, the Building Department shall cause a thorough inspection to be made of the condition of the pavement of the streets designated and used for the permit, as well as the curbs and sidewalks, and shall make written reports of this findings, including with his/her report after the termination or completion of the work, his/her estimate of the cost of restoring the streets to their original condition as well as any curbs, sidewalks or other public property.
- D. *Damage To Streets, Etc.* At the time the Building Department designates the route or routes to be used as provided above, he/she shall notify the contractor that the Village will hold the contractor liable for unusual wear and tear or damage to the streets, curbs, sidewalks or other public facilities, and that acceptance of the route or routes by the contractor shall constitute an agreement on his/her

part to pay the reasonable cost of restoring the streets, curbs and sidewalks in question to their original condition if the surety amount determined to cover such damage is insufficient. Within thirty (30) days after the termination or completion of the contractor's usage of said route or routes under the grading permit, the contractor shall pay to the Village an amount sufficient to reimburse the Village for the expense of restoring the streets, sidewalks and curbs to their original condition.

- E. *Barriers At Construction Site.* After new excavation or construction is commenced on any lot or tract of land in the Village, and until sodding, planting, concreting, paving or other final surfacing is in place which will avoid washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between sidewalks and curbs, the owner of the property, or the contractor or builder in charge of work, shall erect and maintain temporary walls or other approved barriers to prevent such washing or spreading of mud or dirt. At the end of each day, as required and necessary throughout the day, during the course of excavating or construction, dirt and mud on the sidewalks, curbs, gutters, streets and the space between sidewalks and curbs resulting from work must be removed.
- F. *Storm Water Pollution Prevention Plan (SWPPP) Required For Major Land Disturbance Permits.* All applications for major land disturbance permits shall be accompanied by a Storm Water Pollution Prevention Plan prepared for the specific site by or under the direction of a qualified professional which shall be dated and bear the qualified professional's original seal and signature. The application shall contain a statement that any land clearing, construction or development involving the movement of the earth shall be in accordance with the Storm Water Pollution Prevention Plan, and the applicant will assume and acknowledge responsibility for the compliance with this code and the Storm Water Prevention Plan at the site of the permitted activity.
- G. *Required Site Development Escrows For Land Disturbance Permits.* Applicants for land disturbance permits shall, upon approval of their application but prior to the issuance of the permit, file a site development escrow in the form of a letter of credit or other improvement security in an amount deemed sufficient by the Building Department to cover all costs of required erosion and sediment controls, watercourse protections, site access controls and material and waste controls.
 - 1. *Release of escrows—project closure.* Any site development escrow will not be fully released to the property owner, site operator or permit holder until all of the following have been completed:
 - a. All temporary control Best Management Practices (BMPs) have been removed and the site has been fully stabilized.
 - b. All permanent control Best Management Practices (BMPs) have been completed.
 - c. All final land disturbance inspections/certifications have been completed by each of the government jurisdictions involved in authorizing the project.
- H. *Issuance Of Permits.* Land disturbance permits shall not be issued until the fees associated with the permit are paid to the Village.
 - 1. *Building Department.* Fees for the activities of the Building Department related to land disturbance permits shall be in accordance with the fee rates established in Section 405.920(G). In applying the fee schedule, the total estimated cost of land disturbance activities shall include

applicable grubbing, site clearing, rough grading, sediment and erosion control measures, excavating, backfill, final grading, concrete flatwork, asphalt pavement and final landscaping. The Building Department may require a bona fide contract or an affidavit of the owner of the project, in which the applicant and owner verify the total cost of the site improvements related to the permit. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.100: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. *Content—Storm Water Pollution Prevention Plan (SWPPP).* Compliance with the design requirements of this code is required when developing the Storm Water Pollution Prevention Plan (SWPPP) and the plan shall include the following:

1. Name, address and telephone number of the site owner and the name, address and telephone number of the individual who will be in charge of construction/development activities at the site.
2. Site address or location description and parcel identification number(s).
3. A site map showing the outlines of the total project area, the areas to be disturbed, existing land uses, locations and names of surface water bodies, locations of temporary and permanent Best Management Practices (BMPs) and such other pertinent information as may be required by the Building Department.
4. Existing contours of the site and adjoining strips of off-site property and proposed contours after completion of the proposed land disturbance and development, based on United States Geological Survey datum, with established elevations at buildings, walks, drives, streets and roads and information on necessary clearing and grubbing, removal of existing structures, excavating, filling materials brought to site, spreading and compacting. Existing and proposed contours shall be shown at two (2) foot intervals.
5. A natural resources map identifying soils, forest cover and resources protected under other provisions of Village ordinances.
6. An estimate of the runoff coefficient of the site prior to the disturbance and the runoff coefficient after the construction addressed in the permit application is completed.
7. Estimated quantity of land to be disturbed.
8. Details of the site drainage pattern both before and after major land disturbance activities.
9. Access to construction site.
10. Description of Best Management Practices (BMPs) to be utilized to control erosion and sedimentation during the period of land disturbance.
11. Description of Best Management Practices (BMPs) to be utilized to prevent other potential pollutants such as construction wastes, toxic or hazardous substances, petroleum products, pesticides, herbicides, site litter, sanitary wastes and other pollutants from entering the natural drainage ways during the period of construction and land disturbance.

12. Description of Best Management Practices (BMPs) that will be installed during land disturbance to control pollutants in stormwater discharges that will occur after land disturbance activity has been completed.
 13. Location of temporary off-street parking and wash-down area for related vehicles.
 14. Sources of off-site borrow material or spoil sites and all information relative to haul routes, trucks and equipment.
 15. The anticipated sequence of construction and land disturbance activities, including installation of Best Management Practices (BMPs), removal of temporary Best Management Practices (BMPs), stripping and clearing, rough grading, construction utilities, infrastructure and buildings and final grading and landscaping. Sequencing shall identify the expected date(s) on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 16. All erosion and sediment control measures necessary to meet the objectives of this code throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each session.
 17. Seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 18. Provisions for maintenance of control facilities including easements and estimates of the cost of maintenance.
 19. Plans for responding to any loss of contained sediment to include the immediate actions the permit holder will take in case of a containment failure. This plan must include documentation of actions and mandatory reporting to the Building Department.
 20. Schedules and procedures for routine inspections of any structures provided to prevent pollution of stormwater or to remove pollutants from stormwater and of the site in general to ensure all Best Management Practices (BMPs) are continually implemented and are effective.
- B. *Required Plan Amendments—Storm Water Pollution Prevention Plan (SWPPP).* The permit holder shall amend the Storm Water Pollution Prevention Plan (SWPPP) whenever:
1. Design, operation or maintenance of Best Management Practices (BMPs) is changed;
 2. Design of the construction project is changed in a way that could significantly affect the quality of the stormwater discharges;
 3. Site operator's inspections indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMPs);
 4. Inspections by the Village or by the Missouri Department of Natural Resources indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMPs);

5. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in significantly minimizing or controlling erosion or excessive sediment deposits in streams or lakes;
 6. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter, or other substances or wastes likely to have an adverse impact on water quality;
 7. Total settleable solids from a stormwater outfall exceed one-half (0.5) ml/L/hr if the discharge is within the prescribed proximity of a "Valuable Resource Water" as defined by the Missouri Department of Natural Resources;
 8. Total settleable solids from a stormwater outfall exceed two and one-half (2.5) ml/L/hr for any other outfall; or
 9. The Village or the Missouri Department of Natural Resources determines violations of water quality standards may occur or have occurred.
- C. Permit holder responsibilities for administration of Storm Water Pollution Prevention Plan (SWPPP). The permit holder shall:
1. Notify all contractors and other entities (including utility crews, Village or County employees or their agents) that will perform work at the site of the existence of the Storm Water Pollution Prevention Plan (SWPPP) and what actions or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any Best Management Practices (BMPs);
 2. Determine the need for and establish training programs to ensure that all site workers have been trained, at a minimum, in performing erosion control, material handling and storage, and housekeeping;
 3. Provide copies of the Storm Water Pollution Prevention Plan (SWPPP) to all parties who are responsible for installation, operation or maintenance of any Best Management Practices (BMPs);
 4. Maintain a current copy of the Storm Water Pollution Prevention Plan (SWPPP) on the site at all times. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.110: DESIGN REQUIREMENTS

- A. *General Design.* The design of erosion and sediment controls required for land disturbance activities shall comply with the following minimum requirements:
1. Land disturbance, erosion and sediment control practices and watercourse crossings shall be adequate to prevent transportation of sediment from the site.
 2. Materials brought to any site or property under a permit issued under this code, where said material is intended to be utilized as fill material at the site for land disturbance, erosion or sediment control, shall consist of clean, uncontaminated earth, soil, dirt, sand, rocks, gravel or masonry materials or other approved materials.

3. Cut and fill slopes shall be no greater than 3:1 except as approved by the Building Department to meet other community or environmental objectives. All excavations, grading or filling shall have a finished grade not to exceed a 3:1 slope (thirty-three percent (33%)). Steeper grades may be approved by the Building Department if the excavation is through rock or if the excavation or the fill is adequately protected (a designed head wall or toe wall may be required). Turf Reinforcement Mattresses (TRMs), rock slopes and other Best Management Practices (BMPs) could be utilized for slopes in excess of 3:1, but should be approved by a qualified geotechnical engineer hired by the developer and approved by the Village prior to and/or during installation and they should be listed for concurrence prior to installation. Retaining walls that exceed a height of forty-two (42) inches shall require the construction of safety guards as identified in the appropriate Section(s) of the adopted building codes and must be approved by the Village Building Department. Permanent safety guards shall be constructed in accordance with the appropriate Section(s) of the adopted building codes. Also, the following water quality guide can be used as a reference: "Protecting Water Quality—A Field Guide to Erosion, Sediment and Storm Water Best Management Practices for Development Sites in Missouri" published by the Missouri Department of Natural Resources.
4. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other Village ordinances.
5. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.
6. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
7. Phasing shall be required on all sites disturbing greater than twenty (20) acres of land. The size of each phase will be established by the Building Department at the time of plan review for the issuance of a major land disturbance permit. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The Building Department may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

B. *Erosion Control Design.* Erosion control design requirements should include the following:

1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
2. If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks or the site shall be reseeded or a non-vegetative option employed. Where natural vegetation is removed during grading, vegetation shall be re-established in such a density, seventy-five percent (75%) vegetative cover of area disturbed, as to prevent erosion. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. When grading operations are completed or suspended for more than thirty (30) days, permanent grass must be established at sufficient density, fifty percent (50%) to seventy-five percent (75%) vegetative cover, to provide erosion control on the

site. Between permanent grass seedling periods, temporary cover shall be provided according to the Building Commissioner's recommendations. All finished grades (areas not to be disturbed by future improvements) in excess of twenty percent (20%) slopes, 5:1, shall be mulched and tacked as directed by the Building Department.

3. Techniques shall be employed to ensure stabilization on steep slopes and in drainage ways. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading. Unvegetated open channels shall be designed so that gradients resulting in velocities of two (2) feet per second (fps) and less than five (5) feet per second (fps) shall be established in permanent vegetation by the use of commercial erosion control blankets or lined with rock riprap, concrete or other suitable materials as approved by the Building Department. Detention basins, diversions or other appropriate structures as required by the Building Commissioner shall be constructed to prevent velocities above five (5) feet per second (fps).
4. Soil stockpiles must be stabilized or covered at the end of each work day or perimeter controls must be in place to prevent silt from the stockpile from leaving the site.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques shall be employed to divert upland runoff past disturbed slopes. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems. Sufficiently anchored straw bales may be temporarily substituted with the approval of the Building Department. All lots shall be seeded and mulched at the rates defined in Section 405.920(G) or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued by the Building Department in cases of undue hardship because of unfavorable ground conditions.
8. The Building Commissioner shall, at least two (2) days before the commencement of any work and usage of the streets and rights-of-way of the Village, notify the contractor of the route or routes to be used by such trucks and equipment. It shall be the duty of the Building Commissioner to perform pre- and post-construction inspections, via photograph and videotape, to determine the necessary restoration required to be performed by the contractor. If after thirty (30) days from notification by the Building Commissioner the contractor does not perform the necessary repairs, he/she will be considered in violation of this Chapter and subject to the penalties detailed in Section 100.090 of the Village of Riverview Municipal Code.

C. *Sediment Control Design.* Sediment control requirements shall include:

1. Settling basins, sediment traps or tanks and perimeter controls.
2. Settling basins shall be provided for each drainage area within ten (10) or more acres disturbed at one time and shall be sized to contain one-half (0.5) inches of sediment from the drainage area and be able to contain a 2-year, 24-hour storm. If the provision of a basin of this size is

impractical, other similarly Best Effective Management Practices (BMPs), as evaluated and specified in the Storm Water Pollution Prevention Plan (SWPPP), shall be provided.

3. Settling basins shall be designed in a manner that allows adaptation to provide long-term storm water management, as required by the department(s) having enforcement authority and responsibilities described in this code.
 4. If a defined watercourse is to be realigned or reconfigured, clearing and grubbing activities within fifty (50) feet of the watercourse shall not begin until all materials and equipment necessary to protect the watercourse and complete the work are on site. Once started, work shall be completed as soon as possible. Areas within fifty (50) feet of the watercourse shall be recontoured and revegetated, seeded or otherwise protected within five (5) working days after land disturbance activities have ceased.
 5. All stormwater conveyances shall be designed according to the latest criteria of the St. Louis Metropolitan Sewer District (MSD) and the necessary MSD permits obtained.
 6. Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.
- D. *Construction Site Access Design.* Construction site access requirements for major land disturbance activities shall include:
1. A temporary access road provided at all land disturbance sites including a wash-down area supporting all active sites.
 2. The Department of Public Works may require other measures to ensure that the construction vehicles do not track sediment onto public streets or be washed with wash waste matter channeled directly into storm drains.
- E. *Control Of Construction Materials And Waste.* Control requirements for construction materials, construction wastes and other wastes generated on site at land disturbance sites shall include the following provisions:
1. Spill prevention and control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.
 2. Collection and disposal of discarded building materials and other construction site wastes, including those listed in Section 415.110(E)(1) above.
 3. Litter control.
 4. Control of concrete truck washouts.

5. Assurance that on-site fueling facilities will adhere to applicable Federal and State regulations concerning storage and dispensers.
6. Provision of sufficient temporary toilet facilities to serve the number of workers on major land disturbance sites. (Ord. No. 07-18 §1, 11-29-07)

SECTION 415.120: INSPECTIONS

- A. *Building Department, General.* The Building Department shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with this code and applicable permits and plans. Plans for land disturbance, stripping, excavating and filling work bearing the stamp of approval of the Village department issuing the permit shall be maintained at the site during the progress of the work. To obtain inspections, the permit holder shall notify the Building Department at least two (2) days before the following:
1. Start of construction;
 2. Installation of sediment and erosion measures;
 3. Completion of site clearing;
 4. Completion of rough grading;
 5. Completion of final grading;
 6. Close of the construction season; and
 7. Completion of final landscaping.
- B. *Extra Inspections.* In addition to the inspections otherwise required, the Board of Trustees' designee is authorized to perform and charge fees for extra inspections or reinspections which in its judgment are reasonably necessary due to non-compliance with the requirements of this code or work not being ready or accessible for inspection when requested.
1. All erosion and sediment control facilities shall be inspected following each rainstorm causing significant runoff or being of sufficient intensity or duration as to stop construction or grading progress. As a result of such inspections, or any time the following are found, the devices shall be cleaned of sediment, repaired if damaged and restored to serviceable conditions.
 - a. Excess sediment has accumulated in silt control devices;
 - b. Sediment or erosion control devices have been damaged;
 - c. Obvious gullies or sediment deposits have formed on the downstream side of control devices; or
 - d. Sediment has carried beyond the working site.

- C. *Permit Holder Inspection And Report Responsibilities—Major Land Disturbances.* The holder of a major land disturbance permit or his/her agent shall cause regular inspections of land disturbance sites by a qualified special inspector. Inspections shall include all erosion and sediment and other pollutant control measures, outfalls and off-site receiving waters in accordance with the inspection schedule outlined in the approved Storm Water Pollution Prevention Plan (SWPPP). Inspections must be scheduled at least once per week and no later than twenty-four (24) hours after heavy rain. The purpose of such inspections will be to ensure proper installation, operation and maintenance of Best Management Practices (BMPs) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures. All inspections shall be documented in written form on weekly reports with copies submitted to the Building Department at the time interval specified in the permit. Permit holder inspection reports must include the following minimum information:
1. Inspector's name and signature;
 2. Date of inspection;
 3. Observations relative to the effectiveness of the Best Management Practices (BMPs);
 4. Actions taken or necessary to correct deficiencies; and
 5. A listing of areas where land disturbance operations have permanently or temporarily stopped.
- D. The permit holder shall notify the site contractor(s) responsible for any deficiencies identified so that deficiencies can be corrected within seven (7) calendar days of the weekly inspection report.
- E. *Verification Of Permit Holder's Reports.* The Building Department may make extra inspections as deemed necessary to ensure the validity of the reports filed under Section 415.120(C) of this code or to otherwise ensure proper installation, operation and maintenance of stormwater Best Management Practices (BMPs) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures. (Ord. No. 07-18 §1, 11-29-07)

CHAPTER 420: STREAM BUFFER PROTECTION REGULATIONS

ARTICLE I. ADMINISTRATION

SECTION 420.010: TITLE

These regulations shall be known as the "Stream Buffer Protection Regulations of the Village of Riverview, Missouri", hereinafter referred to as "this Chapter". (Ord. No. 07-26 §1, 11-29-07)

SECTION 420.020: DEFINITIONS

- A. *General.* For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. Where terms are not defined by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

- B. *Definitions.* As used in this Chapter, the following terms shall have these prescribed meanings:

BUFFER: With respect to a stream, a natural or enhanced vegetated area (established by Section 420.040 below) lying adjacent to the stream.

BUILDING DEPARTMENT: The Village of Riverview Building Department and all agents thereof.

IMPERVIOUS COVER: Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

LAND DEVELOPMENT: Any land change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

LAND DEVELOPMENT ACTIVITY: Those actions or activities which compromise, facilitate or result in land development.

LAND DISTURBANCE: Any land or vegetation change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land that do not involve construction, paving or any other installation of impervious cover.

LAND DISTURBANCE ACTIVITY: Those actions or activities which comprise, facilitate or result in land disturbance.

FLOODPLAIN: Any land area susceptible to flooding, which would have at least a one percent (1%) probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

PARCEL: Any plot, lot or acreage shown as a unit on the latest County tax assessment records.

PERMIT: The permit issued by the Village of Riverview required for undertaking any land development activity.

PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, County or other political subdivision of the State, any interstate body or any other legal entity.

PROTECTED AREA OR STREAM PROTECTION AREA: With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

RIPARIAN: Belonging or related to the bank of a river, stream, lake, pond or impoundment.

SETBACK: With respect to a stream, the area established by Section 420.040 extending beyond any buffer applicable to the stream.

STREAM: Any stream beginning at:

1. All natural watercourses depicted by a solid or dashed blue line on the most current United States Geological Survey (U.S.G.S.) 7.5 Minute Series (Topographic) Maps for Missouri; or
2. A point in the stream channel with a drainage area of twenty-five (25) acres or more.

STREAM BANK: The sloping land that contains the stream channel and the normal flows of the stream. Where no established top-of-bank can be determined, the stream bank will be the "ordinary high water mark" as defined by the Corps of Engineers in Title 33 of the Code of Federal Regulation, Part 328.3.

STREAM CHANNEL: The portion of a watercourse that contains the base flow of the stream. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.030: APPLICABILITY

This Chapter shall apply to all land development activity on property containing a stream protection area as defined in Section 420.020 of this Chapter. These requirements are in addition to and do not replace or supersede any other applicable buffer or floodplain requirements established under State law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under State law or from other applicable local, State or Federal regulations.

1. *Grandfather provisions.* This Chapter shall not apply to the following activities:
 - a. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Chapter.
 - b. Existing development and ongoing land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
 - c. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this Chapter.

- d. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this Chapter.
2. *Exemptions.* The following specific activities are exempt from this Chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.
- a. Activities for the purpose of building one (1) of the following:
 - (1) A stream crossing by a driveway, transportation route or utility line;
 - (2) Public water supply intake or public wastewater structures or stormwater outfalls;
 - (3) Intrusions necessary to provide access to a property;
 - (4) Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (5) Unpaved foot trails and paths;
 - (6) Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
 - b. *Public sewer line easements.* This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Section 420.030(2) above.
 - c. Land development activities within a right-of-way existing at the time this Chapter takes effect or approved under the terms of this Chapter.
 - d. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities, and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
 - e. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Building Department on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Building Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capability, stability or water quality of the protection area.
 - f. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other

land disturbing activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the buffer.

- g. Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.

After the effective date of this Chapter, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted under Section 420.040 below. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.040: LAND DEVELOPMENT REQUIREMENTS

- A. *Buffer And Setback Requirements.* All land development activity subject to this Chapter shall meet the following requirements:

1. For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other streams subject to this Chapter, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
2. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

- B. *Variance Procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions.

- C. All land disturbance activities shall be carried out in such a manner as to minimize inconvenience and harm to adjacent properties and property owners.

1. Where a parcel was platted prior to the effective date of this Chapter, and its shape, topography or other physical condition prevents land development consistent with this Chapter, and the review of the Building Department finds and determines that the requirements of this Chapter prohibit the otherwise lawful use of the property by the owner, the Board of Adjustment of the Village of Riverview may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.
2. Except as provided above, the Board of Adjustment of the Village of Riverview shall grant no variance from any provision of this Chapter without first conducting a public hearing on the application for a variance and authorizing the granting of the variance by an affirmative vote of the Board of Adjustment. The Village of Riverview shall give public notice of each such

public hearing in a newspaper of general circulation within the Village of Riverview. The Village of Riverview shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this Chapter prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the Chapter would create an extreme hardship.

Variances will not be considered when, following adoption of this Chapter, actions of any property owner of a given property have created conditions of a hardship on that property.

3. At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained;
 - e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and
 - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
4. The following factors will be considered in determining whether to issue a variance:
 - a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - b. The locations of all streams on the property, including along property boundaries;
 - c. The location and extent of the proposed buffer or setback intrusion;

- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water quality impacts of the proposed variance; and
- f. Whether issuance of the variance is at least as protective of natural resources and the environment. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.050: COMPATIBILITY WITH OTHER REGULATIONS AND REQUIREMENTS

This Chapter is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by another ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.060: ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five (5) foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback.
2. A description of all proposed land development within the buffer and setback; and
3. Any other documentation that the Building Department may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval. A note to reference the vegetative buffer shall state: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Stream Buffer Protection Ordinance 07-26 (Chapter 420)." (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.070: RESPONSIBILITY

Neither the issuance of a development permit nor compliance with the conditions thereof nor with the provisions of this Chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the Village of Riverview, its officers or employees for injury or damage to persons or property. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.080: INSPECTION

- A. The Building Department may cause inspections of the work in the buffer and setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Building Department in making such inspections. The Building Department shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Chapter and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.
- B. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.090: VIOLATIONS, ENFORCEMENT AND PENALTIES

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

1. *Notice of violation.* If the Building Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured the appropriate permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice shall contain:
 - a. The name and address of the owner, applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Chapter and the date for the completion of such remedial action;

- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the Building Department by filing a written notice of appeal within thirty (30) days after the notice of violation (except in the event that the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient).
2. *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Building Department shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten (10) days (except in the event that the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient) to correct such violation. In the event the applicant or other responsible person fails to correct such violation after such notice and correction period, the Building Department may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties:
- a. *Stop work order.* The Building Department may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to correct such violation or violations.
 - b. *Withhold certificate of occupancy.* The Building Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violations described therein.
 - c. *Suspension, revocation or modification of permit.* The Building Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violations described therein, provided such permit may be reinstated (upon such conditions as the Building Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to correct such violations.
 - d. *Criminal penalties.* For intentional and flagrant violations of this Chapter, the Building Department may issue a citation to the applicant or other responsible person requiring such person to appear in Riverview Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. (Ord. No. 07-26 §1, 12-27-07)

SECTION 420.100: ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

Administrative Appeal. Any person aggrieved by a decision or order of the Building Department may appeal in writing within ten (10) days after the issuance of such decision or order to the Chairman of the Board of Adjustment of the Village of Riverview and shall be entitled to a hearing before the Board of Adjustment within thirty (30) days of receipt of the written appeal. (Ord. No. 07-26 §1, 12-27-07)

TITLE V. BUILDING AND CONSTRUCTION

Cross Reference—As to penalty for removal of official village notice on building or premises, §215.302.

CHAPTER 500: ADOPTION OF TECHNICAL CODES

ARTICLE I. BUILDING CODE

SECTION 500.010: BUILDING CODE ADOPTED

A certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the International Building Code, 2009 Edition, including Appendix Chapters E, F, and G (see International Building Code Section 101.2.1, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the Village of Riverview in the State of Missouri for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Building Code on file in the office of the Village of Riverview are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.015 of this Article. (R.O. 2006 §500.010; Ord. No. 89-7 §25, 5-15-89; Ord. No. 90-22 §§1—2, 12-17-90; Ord. No. 92-33 §1, 12-21-92; Ord. No. 95-04 §1, 2-24-95; Ord. No. 00-20 §1, 7-27-00; Ord. No. 07-01 §1, 2-22-06; Ord. No. 10-10 §1, 10-28-10)

SECTION 500.015: INSERTIONS, CHANGES AND AMENDMENTS

The following Building Code Sections are hereby revised:

Section 101.1. Insert: Village of Riverview

Section 105.2. Delete the following:

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11 m sq).~~
- ~~2. Fences not over 6 feet (1829 mm) high.~~
- ~~3. Oil derricks.~~
- ~~4. Retaining walls that are not over 4 feet (1210 mm) in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II, or III liquids.~~
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over~~

~~any basement or story below, and are not part of an accessible route.~~

~~12. Window awnings supported by an exterior wall that does not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.~~

Section 1612.3. Insert: Village of Riverview

Section 1612.3. Insert: September 30, 2010

Section 3412.2. Insert: November 1, 2010

(Ord. No. 10-10 §2, 10-28-10)

SECTION 500.020: VIOLATION AND PENALTY

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE II. PLUMBING CODE

SECTION 500.030: PLUMBING CODE ADOPTED

The 2009 Uniform Plumbing Code as adopted by the County of St. Louis on or about July 14, 2010 as Ordinance No. 24,441 is hereby adopted as the Plumbing Code of the Village of Riverview as if set forth here in full. (R.O. 2006 §500.030; Ord. No. 89-8 §20, 5-15-89; Ord. No. 98-22 §1, 10-29-98; Ord. No. 06-09 §1, 4-27-06; Ord. No. 10-15 §1, 10-28-10)

SECTION 500.040: VIOLATION AND PENALTY

Any person violating any of the provisions of this Article or the code adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Village

ARTICLE III. ELECTRICAL CODE**SECTION 500.050: ELECTRICAL CODE ADOPTED**

A certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, including Appendices A—G, is hereby adopted as the Electrical Code of the Village of Riverview in the State of Missouri for regulating and governing the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment and raceways; and optical fiber cables and raceways for the following:

1. Public and private premises, including buildings, structures, mobile homes, recreational vehicles, and floating buildings;
2. Yards, lots, parking lots, carnivals, and industrial substations;
3. Installations of conductors and equipment that connect to the supply of electricity; and
4. Installations used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center

and each and all of the regulations, provisions, penalties, conditions, and terms of said Electrical Code on file in the office of the Village of Riverview are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.055 of this Article. (R.O. 2006 §500.050; Ord. No. 89-9 §4, 5-15-89; Ord. No. 95-07 §4, 5-25-95; Ord. No. 99-6 §4, 2-25-99; Ord. No. 02-07 §4, 3-28-02; Ord. No. 06-11 §1, 4-27-06; Ord. No. 10-14 §1, 10-28-10)

SECTION 500.055: INSERTIONS, CHANGES AND AMENDMENTS

- A. *Insertions And Changes.* In addition to all requirements established by the adoption of the National Electrical Code, 2008, pursuant to Section 500.050 hereof, the regulations provided herein are hereby adopted. In the event of any conflict between these regulations and the National Electrical Code, 2008, the more stringent shall apply.

1. *Electrical Inspector—code official in charge.*
 - a. The Electrical Inspector shall be the person vested with the authority to administer and enforce this Article.
 - b. The Electrical Inspector shall be appointed by the Board of Trustees.
 - c. Compensation for the Electrical Inspector shall be established by the Board of Trustees from time to time.

2. *Duties of the code official.*

- a. *General.* It shall be the duty of the code official to cause inspections to be made of all electrical installations for which permits have been issued, in a manner and to the extent necessary to carry out the provisions of the code regarding electrical installations of all buildings and premises, public and private, in the course of erection, alteration, reconstruction, or repair, and cause the inspection of existing electrical installations as often as may be necessary. The code official shall make all of the required inspections, or the code official shall accept reports of inspection by approved agencies or individuals. All reports of such inspection shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointed authority. He shall see that all electrical work is done by persons duly authorized to do such work. He shall have the power to suspend or revoke permits issued under this code. The code official is authorized and directed to order the electrical power company to forthwith disconnect electrical service, power, or current to any building, structure, or premise that is in violation of any of the provisions of this code or where the electrical wiring, installation, or apparatus in such building, structure, or premises is unsafe to person or property.
- b. *Applications and permits.* The code official or his/her designee shall receive applications and issue permits for the installation and alteration of electrical systems and equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.
- c. *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.
- d. *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

3. *Application.*

- a. *New installations.* This code applies to new installations. Buildings with construction permits dated after adoption of this code shall comply with its requirements.
- b. *Existing installations.* Existing electrical installations that do not comply with the provisions of this code shall be permitted to be continued in use unless the code official determines that the lack of conformity with this code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending upon the degree of the hazard.
- c. *Additions, alterations, or repairs.* Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

4. *Occupancy of a building or structure.*

- a. *New construction.* No newly constructed building shall be occupied in whole or in part in violation of the provisions of this code.

- b. *Existing buildings.* Existing buildings that are occupied at the time of adoption of this code shall be permitted to remain in use provided the following conditions apply:
 - (1) The occupancy classification remains unchanged.
 - (2) There exists no condition deemed hazardous to life or property that would constitute an imminent danger.
- 5. *Authority.* Where used in this Article, the term code official shall include the Electrical Inspector or other individuals designated by the Governing Body with enforcing the provisions of this code. The code shall be administered and enforced by the code official designated by the governing authority as follows.
 - a. The code official shall be permitted to render interpretations of this code in order to provided clarification to its requirements, as permitted by 90.4 of the National Electrical Code, 2008.
 - b. When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the code official shall be empowered to have the premises disconnected from its source of electrical supply. When such equipment or installation has been so condemned or disconnected, a notice shall be placed thereon listing the causes for the condemnation, the disconnection, or both, and the penalty under the provisions of this code for the unlawful use thereof. Written notice of such condemnation or disconnection and the causes therefor shall be sent via U.S. mail to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to remove said notice, to reconnect the electrical equipment to its source of electric supply, or to use or permit to be used electrical power in any such electrical equipment until such causes for the condemnation or disconnection have been remedied to the satisfaction of the code official.
 - c. The code official shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this code.
 - d. Police, fire, and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this code when requested to do so by the code official.
 - e. The code official shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or equipment as set forth in this code. The code official shall be permitted to order any person(s) to remove or remedy such dangerous or hazardous condition or equipment. Any person(s) failing to comply with such order shall be in violation of this code.
 - f. Where the code official deems that conditions hazardous to life and property exist, he or she shall be permitted to require that such hazardous conditions in violation of this code be corrected.
 - g. To the full extent permitted by law, any code official engaged in inspection work shall be authorized at all reasonable times to enter and examine any building, structure, or premises for the purpose of making electrical inspections. Before entering a premises, the code official shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this Section, "emergency" means circumstances that the code

official knows, or has reason to believe, exist and that reasonably can constitute immediate danger to persons or property.

- h. Persons authorized to enter and inspect buildings, structures, and premises as herein set forth shall be identified by proper credentials issued by this governing agency.
- i. Persons shall not interfere with an authority having jurisdiction carrying out any duties or functions prescribed by this code.
- j. Persons shall not use a badge, uniform, or other credentials to impersonate the code official.
- k. The code official shall be permitted to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.
- l. The code official shall be permitted to require plans and specifications to ensure compliance with this code.
- m. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall be permitted to require that such work be exposed to inspection. The code official shall be notified when the installation is ready for inspection and shall conduct the inspection within two (2) days.
- n. The code official shall be permitted to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants.
- o. The code official shall be permitted to waive specific requirements in this code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the code official to demonstrate equivalency and that the system, method, or device is approved for the intended purpose.
- p. Each application for a waiver of specified electrical requirement shall be filed with the code official and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The code official shall keep a record of actions on such applications, and a signed copy of the code official's decisions shall be provided for the applicant.

age B. *Permits Required.* No person, firm, corporation, limited liability company, or other business entity, institution, or organization shall begin any work of installing, erecting, or altering material, wiring, fixtures, or other apparatus to be used for generation, transmission, or utilization of electricity or communications equipment or on structures or premises in the Village subject to the provisions of these regulations unless and until written application shall have been filed and submitted in person at the ~~City~~ Hall for a permit to do the work contemplated at least twenty-four (24) hours before such work shall be commenced and the permit granted. Such application shall bear the date of beginning and completing such work, describe in detail the nature of such work, and shall state the location thereof. In the event of emergency, work may begin by securing permission from the code official upon the condition that the written application be filed in person at the ~~City~~ Hall on the next working day. *Village*

1. *Permit form.* Application for a permit shall be made by the person issued an electrical license

by the St. Louis County Department of Highways and Traffic and Public Works, Office of Electrical Inspection, or an authorized agent, to install all or part of any electrical system. The applicant shall meet all qualifications established by rules promulgated under this code or by any ordinance, resolution, or Statute. The full names and physical addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application. Any person purporting to be an authorized agent of the license holder shall submit proof of authorization at the time of permit application.

2. *Construction documents.* The application for permit shall be accompanied by three (3) or more sets of construction documents. The code official is permitted to waive the requirements for filing construction documents when the scope of the work is of a minor nature or can be adequately described by other means. When the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.
3. *Engineering details.* The code official shall require to be filed adequate details of electrical work including computations, diagrams, and other essential technical data. All construction documents shall be signed and sealed by a registered design professional. Construction documents for structures more than two (2) stories in height shall indicate how required structural and fire-resistance rating integrity will be maintained, and where penetrations will be made for electrical and communication conduits, pipes, cables, and systems.
4. *Transfers prohibited.* The transfer of an application for an electrical permit from one location to another or from one contractor to another is prohibited. When relocation or change of contractor is necessary, the original application shall be canceled and a new application submitted.
5. *Time limitation of application.* An application for an electrical permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a permit shall have been issued. However, the code official may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each if there is reasonable cause. The code official shall notify those delinquent applicants in writing and give them fourteen (14) days' notice prior to abandonment of the application and destruction of the plans.
6. *Demolition of structures.* Electrically supplied equipment shall not be removed from any structure to be demolished until the service supplied to the structure for such equipment has been terminated by the utility company. Notification of the termination shall be given to the code official in writing prior to the authorization for removal of such equipment.
7. *Conditions of permit.*
 - a. *Payment of fees.* A permit shall not be issued until the fees prescribed in this code have been paid.
 - b. *Compliance with code.* The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.
 - c. *Compliance with permit.* All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved

amendments to the approved application or the approved construction documents.

- d. *Deposit required.* Prior to the issuance of any permit, the applicant therefore shall have on deposit with the ~~City~~ ^{Village} Hall the sum of seventy-five dollars (\$75.00) which shall be used to pay any amount of inspection fees herein described which at any time may become due from such applicant and remain unpaid.
8. *Fees.* A permit to begin work for new construction or alteration shall not be issued until the prescribed fees have been paid to the Village of Riverview, nor shall an amendment to a permit necessitating an additional fee because of the additional work involved be approved until the additional fee has been paid.
- a. *Refunds.* In the case of revocation of a permit, or refund shall be permitted. Any excess fee for the incomplete work on abandoned or discontinued projects shall be returned to the permit holder upon written request received not later than six (6) months after the date the permit was issued. All plan examination and permit processing fees and all penalties that have been imposed upon the permit holder under the requirements of this code shall be deducted from the refund or paid by the permit hold prior to any refund being issued.
- b. *Fees.* The holder of a license issued by the St. Louis County Department of Highways and Traffic and Public Works, Office of Electrical Inspection, shall be responsible for all inspection fees on permits issued to the license. Failure to pay fees incurred may result in a penalty under the requirements of this code.
9. *Inspections.*
- a. *Inspections required.* Inspections shall be made of all electrical installations for which permits have been issued in a manner and to the extent necessary to carry out the provisions of the code. Inspections of existing electrical installations shall be made as often as deemed necessary by the code official. Upon completion of any electrical installation for which a permit has been issued, the permittee shall notify the ~~City~~ ^{Village} Hall and a final inspection shall be made. No installation shall be covered or concealed until inspected. Equipment regulated by this code shall not be connected to the power supply and placed in normal connection until such equipment complies with all applicable requirements of this code, and a final inspection has been completed. Failure to call in for a required inspection may result in fees and penalties imposed upon the permit holder under the requirements of this code.
- b. *Third party inspections.* The code official, in lieu of making required inspections, may accept reports of inspection by a recognized third party inspection agency approved by the code official. All reports of such inspection shall be in writing and certified by a responsible officer of such agency.
- c. *Final inspection.* Upon completion of the electrical work and before final approval is given, a final inspection shall be made. All violations of the approved construction documents and permit shall be noted and the holder of the permit shall be notified of the discrepancies.
- d. *Supplemental inspections.* In addition to the required inspections herein specified, the code official may make other inspections which, in his judgment, are reasonably necessary due to unusual construction or circumstances. The code official shall have the authority to inspect any construction work in order to ascertain whether compliance with the Electrical

Code is being met, and in order that he may properly enforce the provisions of this code. Fees for supplemental inspections shall be as specified in this code and shall be assessed when incurred.

- e. *Extra inspections.* In addition to the inspections otherwise required, the code official is authorized to perform extra inspections or re-inspections which, in his judgment, are reasonably necessary due to non-compliance with Electrical Code requirements, or work not ready or accessible for inspection when requested. Fees for extra inspections shall be as specified in this code and shall be assessed when incurred.
10. *Workmanship.* All work shall be conducted, installed, and completed in a workmanlike and approved manner so as to secure the results intended by this code.
11. *Licenses.*
- a. No person, firm, corporation, limited liability company, or other business entity shall engage in the business of making or maintaining electrical installations or shall any person, firm, corporation limited liability company, or other business entity install any electric material, apparatus, or equipment of any kind without first having been examined and licensed to do same by the St. Louis County Department of Highways and Traffic and Public Works, Office of Electrical Inspection and Board of Electrical Examiners and as may be required by the Village of Riverview.
 - b. It shall be unlawful for any person or member of any firm, or officer of any corporation or limited liability company or other business entity, or the agent of any person, firm, corporation, limited liability company or other business entity to engage in the business of electrical work without having been duly licensed as required by law.
 - c. No person licensed by law to do electrical work under the provisions of this Article shall allow his/her name or license to be used by another person, firm, corporation, limited liability company, or other business entity either for the purpose of obtaining electrical permits or for doing business work under the license. Every person licensed shall notify the code official of the physical address of the licensee's place of business and the name under which such business is carried on and shall give immediate notice to the code official of any change in either.

C. *Violations.*

- 1. *General.* It shall be unlawful and deemed a violation of this code for any person, firm, corporation, limited liability company, or other business entity to install, extend, alter, repair, or maintain electrical systems in any building or structure or on any premises except in conformity with this code.
- 2. *Notice of violations.* When the code official determines that a violation of this code exists, the violator shall be immediately notified of the specific infraction. The notification shall be in writing and shall be delivered to the violator or his legally authorized representative or mailed to his last known address via U.S. mail. Any person having been notified that a violation exists by any means other than a stop work order and who fails to abate the violation within ten (10) days after notification shall be subject to the penalties enumerated in this code. Violations involving the permit provisions of this code shall be issued and pursued first against those persons, companies, corporations, or other entities performing such work or activities which constitute said violations.

D. Stop Work Order.

1. *Notice.* Upon notice from the code official that work on any building, structure, or premises is proceeding contrary to the provisions of this code or in an unsafe manner, such work shall immediately be stopped. The code official shall issue a stop work order in writing to the owner of the property involved, or to the owner's agent, or to the person doing the work. The stop work order shall state the conditions under which the work may resume.
2. *Unlawful continuance of work.* Any person who shall continue any electrical work in or about the building, structure, or premise after the issuance of a stop work order, except such work that is directed to be performed to remove a violation or unsafe condition, shall be guilty of a violation of this code and subject to the penalties set out in this code.
3. *Prosecution.* If the notice of a violation issued pursuant to this code is not complied with promptly, the code official may request the Prosecuting Attorney to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful condition of any electrical system in violation of the provisions of this code or of an order or direction made pursuant to this code.

E. Notice Of Approval.

1. *Approval.* After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.
2. *Temporary occupancy.* Upon the request of the holder of a permit, the code official shall issue a temporary authorization before the entire work covered by the permit is completed, provided that such portion or portions will be put into service safely prior to full completion of the structure without endangering public health or welfare.

F. Unsafe Conditions.

1. *Hazards.* All electrical systems, regardless of type, which constitute a hazard to human life, health, or welfare are hereby declared illegal and shall be abated by repair, rehabilitation, or removal.
2. *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
3. *Notice.* If an unsafe condition is found, the code official shall serve on the owner, agent, or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe material or equipment to be removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.
4. *Method of service.* Such notice shall be deemed properly served if a copy thereof is:
 - a. Delivered to the owner personally; or
 - b. Sent U.S. mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure

affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

5. *Restoration.* The installation, material, or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made during the restoration of the structure, such repairs, alterations, and additions shall comply with the requirements of this code.
 6. *Disregard of notice.* Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the Prosecuting Attorney may be advised of all the facts by the code official in order to pursue recourse provided by law.
- G. *Professional Architectural And Engineering Services.* The construction documents for new construction, alteration, repairs, expansion, addition, or modification for buildings, structures, or electrical systems shall be prepared by a registered design professional.
- H. *Business Requirements.*
1. A person, firm, corporation, limited liability company, or other business entity, or institution, or representative thereof establishing or operating a business which offers electrical or communications services shall:
 - a. Have and maintain an established street addressed place of business with all necessary occupancy permits; and
 - b. Have and maintain someone in attendance and on premises at the established place of business to receive calls during regular business hours or provide other effective means of communication. Said business hours being defined as Monday through Friday 8:00 A.M. to 5:00 P.M., excluding legal holidays; and
 - c. Visibly display the name, address, telephone number, and license categories of the business on any service-type vehicles used by the business or any of its employees in providing electrical or communications services. Letters and numbers shall be a minimum of three (3) inches tall with a minimum width of one-half (½) inch score.
 2. *Exception.* A person, firm, corporation, institution, or representative thereof operating under an industrial or maintenance license.

I. *Cable Television.*

1. *General.* Community antenna television installations shall comply with the requirements of the adopted edition of the National Electrical Code, the most recently published edition of the National Electric Safety Code, and the Cable Television Franchise Code.
2. *One- or two-family dwellings.* In addition to the requirements of the adopted edition of National Electrical Code, the most recently published edition of the National Electric Safety Code, and the Cable Television Franchise Code, community antenna television installations on or over private property at one- and two-family dwellings shall comply with the following:

a. *Underground cable installations.*

- (1) Unless otherwise permitted or prohibited, underground cables approved for direct burial shall be installed at least twelve (12) inch below finished grade. Lesser depths may be approved where routing cables to avoid other existing buried systems or to avoid devastation to established vegetation.
- (2) Where cables are installed in rigid metal conduit, intermediate metal conduit or schedule 40 rigid non-metallic conduit, a burial depth of six (6) inches below finished grade shall be permitted.
- (3) Cables intended to be buried shall not be left on grade for more than thirty (30) days under normal conditions. Longer periods shall be granted to accommodate unusual situations or adverse weather conditions.
- (4) Underground cables shall be installed at least five (5) feet horizontally from the inside wall of swimming pools and hot tubs installed on grade. A lesser distance shall be permitted where space does not allow five (5) feet provided the cable is installed in rigid metal conduit, intermediate metal conduit, or schedule 40 rigid non-metallic conduit.

b. *Overhead cables.*

- (1) The final span of overhead cable to the customer's premises shall not be less than eight (8) feet at its lowest point, unless otherwise permitted or prohibited.
- (2) Overspans of cable shall be at least ten (10) feet measured horizontally from the inside wall of swimming pools and hot tubs.

- c. *Other installations.* Cable antenna television installations other than one- and two-family dwellings and network-powered broadband installations shall comply with the requirements of the adopted edition of the National Electrical Code, the most recently published edition of the National Electric Safety Code, and the Cable Television Franchise Code.

- J. *Fee Schedule.* The Board of Trustees hereby adopts the following fee schedules for permits and inspections relating to the administration of the Village's Electrical Code:

Electrical Permits	\$75.00, plus additional fees for certain items as listed below:	
Item	First Unit	Each Additional
Electrical outlets	\$7.00	\$.60
Elevators: per floor	\$6.00	\$.60
Elevators: per car	\$6.00	\$.60
Service equipment:		
Up to and including 200 Amp	\$11.00	\$11.00
200—400 Amp	\$17.00	\$17.00
400—600 Amp	\$39.00	\$39.00

Electrical Permits (Cont)	\$75.00, plus additional fees for certain items as listed below:	
Item	First Unit	Each Additional
Over 600 Amp	\$50.00	\$50.00
Switch boards and panel boards	Same as service equipment	
Motors: less than 5 HP	\$6.00	\$.60
Motors: more than 5 HP	\$6.00	\$5.00
Transformers	\$8.00	\$4.00
X-rays	\$8.00	\$8.00
Residential new construction:		
Rewire	\$34.00	\$34.00
Service installed	\$34.00	\$34.00
Service not installed	\$34.00	\$34.00
Reinspections: UE	\$34.00	\$34.00
Disconnect service	\$34.00	\$34.00
Old installation	\$34.00	\$34.00
Communications: amplifiers	\$8.00	\$.80
Communications: telephones	\$8.00	\$.80
Communications: antenna	\$8.00	\$.80
Burglar alarms	\$8.00	\$.80
Cable TV: head-end station	\$4.00 per mile	
Cable TV: power booster	\$29.00	\$29.00
Electric heat, per 10 KW	\$6.00	\$6.00
Plan review as required	\$25.00	
Additional inspections	\$25.00 per additional inspection	
Failure to call in for inspection	\$50.00	
Permit extension	\$25.00	
Amendment to permit	\$25.00	

- K. **Penalties.** Any person, firm, corporation, limited liability company, or other business entity who shall violate any provision of this code, or any owner or tenant of a building or premises, or any other person who commits, takes part, or assists in any violation of this code, or who maintains any building, structure, or premises in which such a violation shall exist shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not

exceeding ninety (90) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

- L. *Amendment To The National Electrical Code, Chapter 1, Article 100—Definitions.* Chapter 1, Article 100 of the 2008 National Electrical Code is hereby amended by the addition of the following provisions. When used in this code and in standards, rules, and regulations promulgated under authority of this code, the following words or phrases shall have the meanings ascribed to them in this Section unless the context clearly requires otherwise. Words stated in the present tense include the future; gender-based words are intended as neutral; the singular number includes the plural and the plural the singular. Where terms are not defined in this code and are defined in the Building, Mechanical, or Plumbing Codes adopted by the Village of Riverview, such terms shall have the meanings ascribed to them as in those codes.

Article 100. Definitions. General.

AID OR ABET: To help, assist, advance, facilitate, or promote the acquisition of an electrical permit for work performed by an unlicensed individual not working as an employee under the direct supervision of a license holder in St. Louis County.

CODE: These regulations, subsequent amendments and additions thereto, or any emergency rule or regulation which the administrative authority having jurisdiction has lawfully adopted.

CONSTRUCTION DOCUMENTS: All of the written, graphic, and pictorial documents prepared or assembled for describing the design, location, and physical characteristics of the elements of the project necessary for obtaining an electrical permit.

EXISTING WORK: Any electrical system regulated by this code which was legally installed prior to the effective date of this code, or for which a permit to install has been issued.

REGISTERED DESIGN PROFESSIONAL: An architect or engineer registered or licensed to practice professional architecture engineering pursuant to the professional registration laws of the State of Missouri.

STRUCTURE: That which is built or constructed, or a portion thereof.

WORKMANLIKE MANNER: An electrical installation which complies with the published American National Standard "Good Workmanship in Electrical Construction".

- M. *Technical Amendments To The Provisions Of The 2008 National Electrical Code.* The following Sections of the 2008 National Electrical Code, adopted by the Village of Riverview, are amended as herein identified and shall be part of the Electrical Code of the Village of Riverview or deleted therefrom as indicated.

Article 210.4(B). Multiwire Branch Circuits Disconnecting Means. Each multiwire branch circuit shall be provided with a means that will simultaneously disconnect all ungrounded conductors at the point where the branch circuit originates.

Exception: This shall not apply to one- and two-family dwelling units until such time as the 2011 National Electrical Code has been adopted by ordinance of the Village of Riverview.

Article 210.8. Ground Fault Circuit Interrupter Protection for Personnel.

- A. *Dwelling units.* All 125 volt single phase, 15 and 20 ampere receptacles installed in the locations specified in (1) through (8) shall have ground fault circuit interrupter protection for personnel.

1. Bathrooms.
2. Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception: A single receptacle or duplex receptacle for two appliances located in a dedicated space for each appliance that, in normal use, is not easily moved from one place to another and cord and plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8). This exception will be in effect until such time as the 2011 National Electrical Code is adopted by ordinance of the Village of Riverview.

3. *Outdoors.* Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.29.
4. *Crawl spaces.* At or below grade level.
5. *Unfinished basements.* For the purpose of this Section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception 1: Receptacles that are not readily accessible.

Exception 2: A single receptacle or a duplex receptacle for two appliances that, in normal use, is not easily moved from one to another, and that is cord and plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Exceptions 1 and 2 will be in effect until such time as the 2011 National Electrical Code is adopted by ordinance of the Village of Riverview.

Article 210.12. Arc Fault Circuit Interrupter Protection

- A. *Definition.* Arc Fault Circuit Interrupter (AFCI). A device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.
- B. *Dwelling Units.* All 120 volt, single phase, 15 and 20 ampere branch circuits supplying outlets in dwelling unit bedrooms shall be protected by a listed arc fault circuit interrupter, combination type, installed to provide protection of the branch circuit. Effective at such time as the 2011 National Electrical Code is adopted by ordinance of the Village of Riverview, arc fault protection as set out herein shall be provided in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas.

Article 406.8. Receptacles in Damp or Wet Locations

- A. *Damp Locations.* A receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed).

An installation suitable for wet locations shall also be considered suitable for damp locations. A receptacle shall be considered to be in a location protected from the weather where located under roofed open porches, canopies, marquees, and the like, and will not be subjected to a beating rain or water runoff.

- B. *Wet Locations.*

- (1) *15- and 20-Ampere Receptacles in a Wet Location.* 15- and 20-ampere, 125- and 120-volt receptacles installed in a wet location shall have an enclosure that is weather-proof whether or not the attachment plug cap is inserted.

Article 406.11. Tamper Resistant Receptacles in Dwelling Units

Delete.

(R.O. 2006 §500.055; Ord. No. 01-02 §§1—2, 1-25-01; Ord. No. 10-14 §§2—3, 10-28-10)

SECTION 500.060: PENALTY

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE IV. MECHANICAL CODE**SECTION 500.070: MECHANICAL CODE ADOPTED**

The 2009 Edition of the International Mechanical Code as adopted by the County of St. Louis on or about July 14, 2010 as Ordinance No. 24,438 is hereby adopted as the Mechanical Code of the Village of Riverview as if set forth here in full. Three (3) copies of the International Mechanical Code are on file in the ~~City~~ offices. (R.O. 2006 §500.070; Ord. No. 89-10 §15, 5-15-89; Ord. No. 95-15 §1, 8-1-95; Ord. No. 06-10 §1, 4-27-06; Ord. No. 10-15 §1, 10-28-10)

SECTION 500.080: VIOLATION AND PENALTY

Any person violating any of the provisions of this Article or the code adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned in the ~~City~~ or County Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE V. WEIGHTS AND MEASURES CODE**SECTION 500.090: WEIGHTS AND MEASURES CODE ADOPTED**

The Weights and Measures Code of St. Louis County, codified in Chapter 618 of the St. Louis County Revised Ordinances, is hereby adopted as the Weights and Measures Code of the Village of Riverview. Each and all of the regulations, provisions, conditions and terms of said Weights and Measures Code, except the penalty provisions, are hereby referred to, adopted and made a part hereof as if said Code were more fully set forth herein. (R.O. 2006 §500.090; Ord. No. 93-20 §3, 8-26-93)

SECTION 500.100: PENALTIES

Any person convicted of violating any of the provisions of the Weights and Measures Code shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) and costs or ninety (90) days imprisonment, or both the fine and imprisonment. (R.O. 2006 §500.100; Ord. No. 93-20 §3, 8-26-93)

ARTICLE VI. PROPERTY MAINTENANCE CODE**SECTION 500.110: PROPERTY MAINTENANCE CODE ADOPTED**

A certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the International Property Maintenance Code, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Riverview in the State of Missouri for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of all buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Village of Riverview are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, if any prescribed in Section 500.120 of this Article. (R.O. 2006 §500.110; Ord. No. 94-25 §4, 11-17-94; Ord. No. 10-13 §1, 10-28-10)

SECTION 500.120: INSERTIONS, CHANGES AND AMENDMENTS

A. The following Property Maintenance Code Sections are hereby revised:

Section 101.1 Insert: Village of Riverview

Section 103.5 Insert: See Section 405.1010 of the Village Code.

Section 112.4 Insert: \$0, \$1,000.00 or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment.

Section 302.4 Insert: Eight inches

Section 304.14 Insert: Such a period as reasonably determined by the Code Official

Section 404.4.1 Insert: Every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet (5 m sq) of floor area for each occupant thereof. Each sleeping room must be provided with a door for privacy and closet space of at least six (6) square feet.

Section 602.3 Insert: Such a period as reasonably determined by the Code Official.

Section 602.4 Insert: Such a period as reasonably determined by the Code Official.

- B. The Property Maintenance Code is hereby amended by the addition of the following Sections:

SECTION 113 CERTIFICATE OF COMPLIANCE AND OCCUPANCY PERMIT

113.1 Scope; Requirement: Except as otherwise provided, it shall be unlawful for any person to occupy any property, or for any owner or agent to permit the occupancy thereof, for any purpose until all required Certificates of Compliance and/or Occupancy Permits have been issued by the Code Official. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of the Municipal Code or any other applicable code shall have been corrected and brought into compliance.

113.2 Property; Defined: For the purposes of Section PM-112 of this code, the term "property" shall be defined as any premises, structure, building, or dwelling subject to the provisions of this code, as those terms are defined in Section PM-201.0 of this code.

113.3 Certificates and Permits; Contents: Any Certificate of Compliance, Notice of Non-Compliance, or Occupancy Permit issued by the Code Official pertaining to any dwelling shall state the maximum number of persons who may lawfully occupy the property as configured at the time of the inspection.

113.4 Pre-Transfer Activity; Application for Certificate Required:

- A. It shall be unlawful for the owner or lessee of any property subject to the provisions of this code, or their agent, to advertise in any way, or to list with a real estate agent or other broker, such property for the purpose of selling, leasing, renting, or otherwise transferring its ownership or possession, without first applying for a property inspection by the Code Official.
- B. On application by an owner, lessee, or agent the Code Official shall issue a Certificate of Compliance if, after inspecting the property, the Code Official determines it to be in compliance with the provisions of this code.
- C. If the Code Official determines that the property is in violation of any applicable code provisions, the Code Official shall issue a Notice of Non-Compliance, which shall list all conditions which fail to satisfy the requirements of this code.
- D. A Certificate of Compliance and/or Notice of Non-Compliance shall be valid for 6 months, unless revoked by the Code Official for good cause. In the event that an Occupancy Permit is not issued within said 6 months, said Certificates shall be null and void, and a new property inspection must be applied for and a new Certificate of Compliance obtained before any Occupancy Permit may be issued.

- E. Fees for each inspection and re-inspection shall be paid at the time an application for a property inspection is requested. The fee for a property inspection shall be set by the Board of Trustees from time to time.
- F. This Section shall not apply to transfers of a structure or building wherein the transferee executes an affidavit directed to the Code Official attesting to the fact that the structure(s) and/or building(s) on the property so transferred will be demolished within 90 days.

113.5 Occupancy Permit Required:

- A. It shall be unlawful for any person to hereafter occupy or for the owner, lessor, or agent thereof to permit the occupancy of any property until an Occupancy Permit has been issued by the Code Official.
- B. On application by an owner, lessor, tenant, transferee, or agent thereof, the Code Official shall issue an Occupancy Permit if, after inspecting the property, the Code Official determines it to be in compliance with the provisions of this code.
- C. If the Code Official determines that the property is in violation of code provisions, the Code Official shall issue a Notice of Non-Compliance, which shall list all conditions which fail to satisfy the requirements of this code.
- D. No person not listed on the Occupancy Permit for a property shall occupy or be permitted to occupy the same. No use or activity not listed on the Occupancy Permit for a structure or building not used for dwelling purposes shall be permitted therein.
- E. Whenever the owner or occupant of any property shall permit or suffer any additional person to occupy the same, the Code Official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this code are satisfied. Whenever the owner or occupant of any property not used for dwelling purposes shall permit an additional or separate use or activity to be undertaken therein, the Code Official shall be notified and the Occupancy Permit shall be amended accordingly, provided that all other requirements of this code are satisfied.
- F. A fee shall be charged for an occupancy permit and for updating occupancy permit information and shall be set by the Board of Trustees from time to time.

113.6 Application for Occupancy Permit: Any person hereafter occupying any property shall apply for an Occupancy Permit on an application form provided by the Code Official. Such application shall contain the name of the applicant, the names, dates of births, social security numbers, and relationships of all persons to occupy the property thereof and such other information as may be required by the Code Official. The application shall be signed and affirmed or sworn to by the applicant. If the application is not submitted by an owner of the property, the application must be subscribed by an owner or an authorized representative thereof acknowledging that the owner is aware the property will be occupied by the persons listed on the application and for the purpose stated thereon. In lieu of subscribing to the application, the required acknowledgment of the owner may be in the form of a notarized statement, lease agreement, or other statement of similar effect attached to the application. Any application to amend an Occupancy Permit in accord with the requirements of this Section which is not filed by the owner of the property must be similarly subscribed or acknowledged by the owner or authorized representative thereof with respect to the additional persons to occupy the property or the additional or separate use or activity of the property not used for dwelling purposes.

113.7 Conditional Occupancy Permit:

- A. A Conditional Occupancy Permit may be issued by the Code Official if, in his judgment:
 - i. Any deficiency or non-compliance with this code would not seriously endanger the health or safety of the occupants or the community; and
 - ii. Provided the occupant executes an affidavit that all required corrections shall be made within a time specified therein. If approved by the Code Official in all respects, the property may thereafter be occupied while such corrections are being made.
- B. Upon expiration of the time allowed in the Conditional Occupancy Permit, all required corrections shall be completed or the property shall be vacated. The Code Official may extend the time allowed in the permit for a period of not to exceed 6 months if, in his judgment:
 - i. Any deficiency or non-compliance with this code would not seriously endanger the health or safety of the occupants or the community; and
 - ii. The occupant has made substantial progress toward bringing the property into compliance with this code; and
 - iii. All required corrections shall be made within the time allowed by the extension.
- C. At such time as the property shall be in compliance with the requirements of this code, a Code of Compliance shall be issued and the occupant will be required to obtain an Occupancy Permit.
- D. A fee shall be charged for a Conditional Occupancy Permit and shall be set by the Board of Trustees from time to time.

113.8 Correction Required:

- A. If there are violations of this code, which must be abated or corrected before a Certificate of Compliance or Occupancy Permit can be issued, it shall be the responsibility of the seller, lessor, or agent thereof to abate such violations. No Certificate of Compliance or Occupancy Permit shall be issued until all violations of this code shall have been corrected and the fee for such permit has been paid.
- B. With the approval of the Code Official, a transferee of a property may assume responsibility for abating violations of this code by executing an affidavit stating that such transferee assumes responsibility for abating such violations and establishing the date by which such abatement shall be accomplished, which date shall be subject to approval by the Code Official.

113.9 Misrepresentations Prohibited; Notice Required:

- A. It shall be unlawful for any person, firm, or corporation to advertise, offer, or represent in any form or manner that a Certificate of Compliance has been issued for any premises for which such a Certificate has not been issued by the Code Official.
- B. It shall be unlawful for any person, firm, or corporation to advertise, offer, or represent in any form or manner that a property may be occupied by a number of persons in excess of that permitted by the most recent Certificate of Compliance issued for that property.

- C. It shall be unlawful for any person to knowingly make any false statement in an application for an Occupancy Permit or any amendment thereto.

113.10 Disclaimer of Liability: Neither the Village nor any of its agents, servants, or employees shall be liable to any person, firm, or corporation for any injury or damage sustained by reason of any defect in any property subject to this Code. Building Inspection applications or Occupancy Permits, or the issuance of a Certificate of Compliance or Notice of Non-Compliance, or any inspection or action with respect thereto shall not be intended to impart or imply to any person that said property or this code, or that the Village or any of its agents, servants, or employees represents or warrants that said property or any part thereof complies with this code or it is otherwise in good condition or repair. The provisions of this Section may be reprinted on any application, certificate, or permit required by this code.

SECTION 114 RESIDENTIAL RENTAL PERMIT

114.1 Annual Residential Rental Permit Required: It shall be unlawful for any person, firm, or corporation to rent either as owner, lessee, agent, or manager any residential unit within the Village to any person(s), as the principal occupant(s), who are not the property owner(s) of record without first obtaining an annual residential rental permit.

114.2 Application for Annual Residential Rental Permit:

- A. Application for an annual residential rental permit required by Section PM-113(A) shall be made no later than April 30 of each calendar year for all residential rental property owned on April 1 of that year. For residential rental property acquired after April 1, a permit shall be obtained prior to permitting any occupancy or any offering of the property for rent/lease.
- B. Application shall be made by the owner of record to the Building Commissioner. Such application shall include the name, physical address, telephone number, and social security, driver's license, or tax identification number of the owner of record for such residential rental property. The application shall also list, by street address, each and every parcel or unit of residential rental property owned by that individual(s), trust, partnership, or corporation located in the Village of Riverview, Missouri. If the owner(s) of said residential rental property wishes to designate an agent to be responsible for said property and to accept notices and process, then the owner of record shall designate an agent on the application including the agent's name, physical address, social security or driver's license number, and telephone number along with the extent of the agent's authority to rent, manage, and make expenditures for said property.
- C. In the event of any change in circumstances subsequent to filing an application that would result in a change in the information required by the application, the owner shall promptly file an amendment of such application on forms as specified by the Building Commissioner.
- D. Residential rental permits shall be renewed annually by April 30.
- E. A new application shall be submitted upon a change of ownership of the rental unit.

114.3 Garbage and Rubbish Collection: Prior to the issuance or renewal of any residential rental permit, the owner or owner's agent shall show proof by way of a paid receipt that the owner has contracted with a licensed garbage and rubbish collector.

114.4 Annual Residential Rental Permit Fees:

- A. The annual residential rental permit fee for a single-family or duplex building shall be \$50.00 for the first residential unit plus \$10.00 for each additional residential unit.
- B. The annual residential rental permit fee for a multi-family dwelling unit with more than two units is \$100.00 for each building.

114.5 Occupancy Prohibited:

- A. Unless and until the annual residential rental permit application is filed by the owner, all municipal user fees due hereunder are paid in full, and all outstanding fines imposed by the Riverview Municipal Court for any housing or building code violations by such owner are paid in full, no residential rental permit shall be issued to such owner.
- B. Failure to obtain and maintain a valid annual residential rental permit for any residential unit shall constitute grounds for the revocation or cancellation of all current occupancy permits issued for any units of residential rental property of such owner.

114.6 Rules: The Building Commissioner may issue such rules and regulations as he deems necessary to implement this Article and the policies contained herein. (R.O. 2006 §500.120; Ord. No. 94-27 §1, 12-28-94; Ord. No. 94-28 §1, 12-28-94; Ord. No. 95-18 §1, 8-30-95; Ord. No. 95-19 §1, 8-31-95; Ord. No. 98-17 §1, 7-23-98; Ord. No. 01-23 §1, 6-28-01; Ord. No. 03-30 §1, 9-25-03; Ord. No. 06-26 §1, 11-30-06; Ord. No. 08-31 §§1—2, 8-28-08; Ord. No. 08-43 §1, 9-25-08; Ord. No. 10-13 §§2—3, 10-28-10)

SECTION 500.130: PENALTY

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE VII. EXPLOSIVES CODE**SECTION 500.140: EXPLOSIVES CODE ADOPTED**

The Explosives Codes adopted and amended by the County of St. Louis on or about October 24, 1962 as Ordinance No. 2703, and as amended on or about November 29, 1967 by Ordinance No. 4524, on or about January 8, 1981 by Ordinance No. 10,039, on or about December 23, 1981 by Ordinance No. 10,462, on or about June 2, 1994 by Ordinance No. 17,057, and on or about November 6, 1997 by Ordinance No. 18,693, is hereby adopted as the Explosives Code of the Village of Riverview as if set forth herein in full. (R.O. 2006 §500.140; Ord. No. 99-11 §1, 5-27-99)

SECTION 500.150: PENALTIES

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE VIII. EXISTING BUILDING CODE**SECTION 500.152: EXISTING BUILDING CODE ADOPTED**

A certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the International Existing Building Code, 2009 Edition, including Appendix Chapter B (see International Existing Building Code Section 101.7, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the Village of Riverview in the State of Missouri for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Existing Building Code on file in the office of the Village of Riverview are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.154 of this Article. (Ord. No. 10-11 §1, 10-28-10)

SECTION 500.154: INSERTIONS, CHANGES AND AMENDMENTS

The following Existing Building Code Sections are hereby revised:

Section 101.1. Insert: Village of Riverview

Section 1301.2. Insert: November 1, 2010

(Ord. No. 10-11 §2, 10-28-10)

ARTICLE IX. RESIDENTIAL CODE**SECTION 500.156: RESIDENTIAL CODE ADOPTED**

A certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Riverview, being marked and designated as the International Residential Code, 2009 Edition, including Appendix Chapters A—G, I, K, N, and P (see International Residential Code Section R102.5, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the Village of Riverview in the State of Missouri for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three (3) stories in height with a separate means

of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the Village Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.158 of this Article. (Ord. No. 10-12 §1, 10-28-10)

SECTION 500.158: INSERTIONS, CHANGES AND AMENDMENTS

The following Residential Code Sections are hereby revised:

Section R101.1. Insert: Village of Riverview

Section R105.2. Delete the following:

- ~~1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m sq).~~
- ~~2. Fences not over 6 feet (1829 mm) high.~~
- ~~3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.~~
- ~~5. Sidewalks and driveways.~~
- ~~9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~
- ~~10. Decks not exceeding 200 square feet (19.58 m sq) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.~~

Section P2603.6.1. Insert: Twelve

(Ord. No. 10-12 §2, 10-28-10)

ARTICLE X. MISCELLANEOUS PROVISIONS

SECTION 500.160: EARTHQUAKE AND SEISMIC DESIGN REQUIREMENTS

All construction in the Village shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

CHAPTER 505: REGISTRATION OF VACANT RESIDENTIAL STRUCTURES

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to Housing Code violations, may endanger the life, limb, health, property, safety or welfare of the general public and this Chapter shall apply to all residential structures that have been vacant for more than six (6) months and that are subject to Housing Code violations. (R.O. 2006 §505.010; Ord. No. 04-07 §1, 4-22-04)

SECTION 505.020: DEFINITIONS

The following words and phrases, when used in this Chapter, shall mean:

HOUSING CODE: A local building, fire, health, property maintenance, nuisance or other ordinance which contain standards regulating the condition or maintenance of residential buildings.

RESIDENTIAL STRUCTURE: A structure devoted primarily to residential use, whether classified as residential or commercial, and regardless of the number of dwelling units contained within such structure. (R.O. 2006 §505.020; Ord. No. 04-07 §2, 4-22-04)

SECTION 505.030: REGISTRATION REQUIREMENTS

Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units that is vacant and has been vacant for at least six (6) months and is characterized by violations of the Housing Code shall be registered as a vacant residential structure and shall be subject to the registration fee. (R.O. 2006 §505.030; Ord. No. 04-07 §3, 4-22-04)

SECTION 505.040: DESIGNATION OF VACANT RESIDENTIAL STRUCTURES

- A. *Registration.* The Director of Public Works for the Village of Riverview, Missouri, or his/her designee shall investigate any property that may be subject to registration. Based upon his/her findings, the Director may register property as a vacant residential structure subject to this Chapter.
- B. *Notice Of Registration.* Within five (5) business days of such registration, the Village Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the Village of Riverview and St. Louis County. Such notice shall state:
 1. A description of the property registered;
 2. A description of the Housing Code violations found on the property;
 3. The fact that a semi-annual registration fee has been levied on the property; and
 4. The amount of the semi-annual registration fee.

- C. *Time To Cure—Reconsideration.* Within thirty (30) days of the date of notification, the property owner may complete any improvements to the property that may be necessary to remove the property from registration under this Chapter and may request a reinspection of the property and reconsideration of the levy of the registration fee. Upon receipt of a written request for reconsideration of the levy of the registration fee which sets out the reasons claimed by the property owner as to why the registration fee should be waived, the Director may waive levy of the registration fee following timely compliance.
- D. *Appeal Of Registration And/Or Reconsideration To Municipal Court.* Within thirty (30) days of the date of such notification or within thirty (30) days of the date of reconsideration by the Director, the property owner may appeal the decision to the Municipal Court for the Village of Riverview. (R.O. 2006 §505.040; Ord. No. 04-07 §4, 4-22-04)

SECTION 505.050: REGISTRATION FEE

- A. *Amount Of Fee.* There is hereby established and assessed a semi-annual fee in the amount of two hundred dollars (\$200.00) imposed on all owners of property registered under this Chapter.
- B. *Owner Responsible.* It shall be the joint and several responsibility of each owner of property registered pursuant to this Chapter to pay the semi-annual registration fee.
- C. *Accrual Of Fee.* The registration fee shall begin to accrue on the beginning of the second (2nd) calendar quarter after registration by the Director or reconsideration by the Director; however in the event that an appeal is filed with the Municipal Court, the registration fee shall begin to accrue on the beginning of the second (2nd) calendar quarter after the final decision of the Municipal Judge or court of competent jurisdiction.
- D. *Billing Procedures—Late Penalties.* The Village shall cause to be mailed to the owner of property registered under this Chapter, at his or her last known address, a bill for the semi-annual registration fee. The fee shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property within thirty (30) days of the date of mailing, a late payment fee of twenty-five dollars (\$25.00) per month shall be assessed for each month during which the fee remains unpaid.
- E. *Failure To Pay Fee Unlawful.* It shall be unlawful for any owner of property registered pursuant to this Chapter to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall be punished as provided in the general penalty provision of the Municipal Code.
- F. *Collection Of Delinquent Fees—Lien On Property And Other Effects Of Delinquent Fees—Foreclosure Proceedings.*
1. *Action to recover.* In addition to any other penalties provided by law, the Village may initiate and pursue an action in a court of competent jurisdiction to recover any unpaid fees, interest and penalties from any person liable therefore and, in addition, may recover the cost of such action, including reasonable attorney fees.
 2. *Lien on property.* Any unpaid or delinquent fees, interest and/or penalties, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally

assessed until the same shall be fully satisfied. The Director of Finance is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Director from time to time.

3. *Obtaining permits prohibited.* In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property, including any late payment fee subsequently imposed, within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for, obtain or renew any Village license or permit of any kind until such delinquency has been satisfied.
4. *Foreclosure.* Any registration fees which are delinquent for a period of one (1) year shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable Housing Code cited by the Director have been cured and presenting payment of all registration fees and penalties. (R.O. 2006 §505.050; Ord. No. 04-07 §5, 4-22-04; Ord. No. 06-22 §1, 10-26-06)

CHAPTER 510: DANGEROUS BUILDINGS

SECTION 510.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or to the general public and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the Village of Riverview, Missouri. (R.O. 2006 §510.010; Ord. No. 06-17 §1, 7-27-06)

SECTION 510.020: DANGEROUS BUILDINGS DEFINED

All buildings that are detrimental to the health, safety or welfare of the residents of the Village and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the Village.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to bring about injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Village. (R.O. 2006 §510.020; Ord. No. 06-17 §2, 7-27-06)

SECTION 510.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings, as defined by Section 510.020, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein. (R.O. 2006 §510.030; Ord. No. 06-17 §3, 7-27-06)

SECTION 510.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed, in substance, by the Building Commissioner or Building Inspector in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a dangerous building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this Village or Statute of the State of Missouri, it shall be repaired or demolished. (R.O. 2006 §510.040; Ord. No. 06-17 §4, 7-27-06)

SECTION 510.050: BUILDING INSPECTOR

All Village Police Officers and all other Village employees so designated by the Chairman of the Board of Trustees shall be building inspectors within the meaning of this Chapter. (R.O. 2006 §510.050; Ord. No. 06-17 §5, 7-27-06)

SECTION 510.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

The Building Inspector shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this Village as probably existing in violation of this Chapter.

4. Notify, in writing, either by personal service or by certified mail, return receipt requested or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds St. Louis County of any building found by him/her to be a dangerous building within the standards set forth in Section 510.020. The notice required shall state that:
 - a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter;
 - b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done, provided that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.
5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. The Building Inspector must report in writing to the Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. The Building Inspector must appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. The Building Inspector must immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (R.O. 2006 §510.060; Ord. No. 06-17 §6, 7-27-06)

SECTION 510.070: BUILDING COMMISSIONER

The Board of Trustees shall act as Building Commissioner under this Chapter. (R.O. 2006 §510.070; Ord. No. 06-17 §7, 7-27-06)

SECTION 510.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the Village, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other Village department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of the report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate consideration on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 510.020.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in said building as shown by the land records of the County wherein the land is located to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this Village or the owner or any persons having an interest in said building as shown by the land records of the County wherein the land is located may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the Village of

the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the Village for such repair, vacation or demolition or clean up to the Village Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the Village and such contractor files a mechanic's lien against the property where the dangerous building is located. A contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the property covering a building or other structure.
 - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the Village to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b. The Village shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the Village has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the Village has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
9. Subsection (6) of this Section does not make the Village a party to any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (R.O. 2006 §510.080; Ord. No. 06-17 §8, 7-27-06)

SECTION 510.090: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other persons having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of the County wherein the land is located may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision from the Circuit Court of St. Louis County pursuant to the procedure established in Chapter 536, RSMo. (R.O. 2006 §510.090; Ord. No. 06-17 §9, 7-27-06)

SECTION 510.100: EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building and cleanup of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 510.080(5). (R.O. 2006 §510.100; Ord. No. 06-17 §10, 7-27-06)

SECTION 510.110: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

- A. The owner, occupancy or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 510.120.
- B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 510.120. (R.O. 2006 §510.110; Ord. No. 06-17 §11, 7-27-06)

SECTION 510.120: PENALTIES

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined as set out in Section 100.090 of this Code. (R.O. 2006 §510.120; Ord. No. 06-17 §12, 7-27-06)

CHAPTER 515: FLOOD DAMAGE PREVENTION

SECTION 515.010: INTRODUCTION

- A. *Findings Of Fact.* The flood hazard areas of the Village of Riverview are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

- B. *Statement Of Purpose.* It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area.

- C. *Methods Of Reducing Flood Loss.* In order to accomplish its purposes, this Chapter uses the following methods:

1. Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or which cause excessive increases in flood heights or velocities;
2. Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural floodplain, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
4. Controls filling, grading, dredging and other development which may increase flood damage; and

5. Prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (R.O. 2006 §515.010; Ord. No. 93-3, Bill No. 607, 2-15-93)

SECTION 515.020: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

AREA OF SHALLOW FLOODING: A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A non-basement building (1) Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the floor of the water and (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3 (e) (5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION (for the purpose of determining rates): Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the United States Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in States without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirement of this Chapter when specific enforcement would result in unnecessary hardship. A "variance", therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (3)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (R.O. 2006 §515.020; Ord. No. 93-3, Bill No. 607, 2-15-93)

SECTION 515.030: GENERAL PROVISIONS

- A. *Special Flood Hazard Areas.* This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Riverview. The areas of special flood hazard identified by the Federal Emergency Management Agency in its scientific and engineering report, "The Flood Insurance Study for the Village of Riverview", dated April 17, 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, are hereby adopted by reference and declared to be part of this Chapter.
- B. *Development Permit Required.* A development permit shall be required to ensure conformance with the provisions of this Chapter.
- C. *Compliance.* No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
- D. *Conflicting Rights Or Ordinances.* This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. *Interpretation.* In the interpretation and application of this Chapter, all provisions shall be (1) considered as minimum requirements, (2) liberally construed in favor of the Governing Body, and (3) deemed neither to limit nor repeal any other powers granted under State Statutes.
- F. *Warning And Disclaimer Of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. (R.O. 2006 §515.030; Ord. No. 93-3, Bill No. 607, 2-15-93)

SECTION 515.040: ADMINISTRATION

- A. *Designation Of Floodplain Administrator.* The Building Commissioner of the Village of Riverview is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate Sections of Chapter 44 of the Code of Federal Regulations (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. *Duties/Responsibilities Of Floodplain Administrator.* Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter;
 2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
 3. Review, approve or deny all applications for development permits required by adoption of this Chapter;
 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approve is required;
 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;
 6. Notify, in riverine situations, adjacent communities and the appropriate State coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency;
 7. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
 8. When base flood elevation data has not been provided in accordance with Section 515.030 (A), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer the provisions of Section 515.050 of this Chapter;
 9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community;
 10. Under the provisions of 44 Code of Federal Regulations (Chapter 1, Section 65.12, National Flood Insurance Program regulations), a community may approve certain development in Zones A1-30, AE, AH on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first applies for a conditional FIRM revision through FEMA.

C. Permit Procedures.

1. Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations; existing and proposed structures, including the placement of manufactured homes; and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure shall be floodplain;
 - c. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 515.050 (B)(2) of this Chapter;
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development; and
 - e. Maintain a record of all such information in accordance with Section 515.040 (B)(1) of this Chapter.
2. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The cost of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- j. The relationship of the proposed use to the comprehensive plan for that area.

D. *Variance Procedure.*

1. An Appeal Board appointed by the Board of Trustees of the Village of Riverview shall hear and render judgment on requests for variances from the requirements of this Chapter.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in a court of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 515.040(C)(2) of this Chapter have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Section 515.010(B)).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon (1) showing a good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, newly created nuisances, the allowance of fraud on or victimization of the public, or a conflict with existing local laws or ordinances.

- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria outlined in Section 515.040 (D) (1-9) are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (R.O. 2006 §515.040; Ord. No. 93-3, Bill No. 607, 2-15-93)

SECTION 515.050: FLOOD HAZARD REDUCTION PROVISIONS

- A. *General Standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. *Specific Standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 515.030(A), Section 515.040(B)(8) or Section 515.050(C)(3) of this Chapter, the following provisions are required:
 1. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Subsection as proposed in Section 515.040(C)(1)(a) is satisfied.

2. *Non-residential construction.* New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum to two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. *Manufactured homes.*
 - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Subsection (C)(4) of this Section be elevated so that either (1) the lowest floor of the manufactured home is at or

above the base flood elevation, or (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either (a) be on the site for fewer than one hundred eighty (180) days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements of Section 515.040(C)(1) of this Chapter and the elevation and anchoring requirements for "manufactured homes" in Subsection (C)(4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. *Standards For Subdivision Proposals.*

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 515.010(B—C) of this Chapter.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the development permit requirements of Sections 515.030(B) and 515.040(C) and the provisions of Section 515.050 of this Chapter.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Sections 515.030(A) or 515.040(B)(8) of this Chapter.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. *Standards For Areas Of Shallow Flooding (AO/AH Zones).* Located within the areas of special flood hazard established in Section 515.030(A) of this Chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified);
2. All new construction and substantial improvements of non-residential structures (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or (b) together with attendant utility and sanitary facilities be designed so

that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water or with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy;

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 515.040(C)(1)(a), are satisfied; and
 4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- E. *Floodways.* Floodways located within areas of special flood hazard established in Section 515.030(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
 2. If Section 515.050 (E)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 515.050; and
 3. Under the provisions of 44 Code of Federal Regulations (Chapter 1, Section 65.12, National Flood Insurance Regulations), a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA. (R.O. 2006 §515.050; Ord. No. 93-3, Bill No. 607, 2-15-93)

SECTION 515.060: PENALTIES

Any person violating the provisions of this Chapter is guilty of an ordinance violation and upon conviction thereof shall be fined as set out in Section 100.090 of this Code. (R.O. 2006 §515.060; Ord. No. 93-3, Bill No. 607, 2-15-93)

CHAPTER 520: STREET CONSTRUCTION AND EXCAVATION

SECTION 520.010: STREET CONSTRUCTION GOVERNED BY CHAPTER

All streets and sidewalks hereafter constructed or reconstructed within the Village of Riverview shall conform to the rules, regulations and specifications contained in this Chapter. (R.O. 2006 §525.010; Ord. 102, CC §69.010)

SECTION 520.020: STREET CONSTRUCTION, GENERAL

The streets of the Village of Riverview shall be placed in these two (2) classifications: arterial and residential. The arterial streets shall be those receiving heavy traffic, including downtown streets, truckline routes, and streets carrying intra-city traffic. The residential streets shall carry little traffic except that originating on the street or occasioned by delivery trucks.

1. Arterial streets shall be a minimum of thirty (30) feet in width. Concrete pavement for arterial streets shall be a minimum of seven (7) inches thick; or, if a flexible pavement is to be used, it shall have an aggregate base course of at least seven (7) inches, after compaction, and a two (2) inch minimum asphalt wearing surface.
2. Residential streets shall be a minimum of twenty six (26) feet in width. Concrete pavement for arterial streets shall be a minimum of seven (7) inches thick; or, if a flexible pavement is to be used, it shall have an aggregate base course of at least seven (7) inches, after compaction, and a two (2) inch minimum asphalt wearing surface.
3. Rolled curbs having sloping faces and well rounded edges shall be used. Curbs shall have a minimum height of five (5) inches.
4. Sidewalks shall be Portland cement concrete and shall be a minimum of forty-two (42) inches wide and four (4) inches thick. The sidewalk slab shall be placed on a sand or cinder base course at least two (2) inches thick. (R.O. 2006 §525.020; Ord. 102, CC §69.020)

SECTION 520.030: GRADING AND STREET CONSTRUCTION

All streets, curbs and sidewalks shall be graded to the proper subgrade until no irregularities can be found, when tested by a template.

1. The subgrade shall consist of the natural earth or material contained on the site and shall contain no gumbo, vegetation, rocks or stones having a dimension greater than four (4) inches or other objectionable material.
2. The finished subgrade shall be of uniform density throughout its entire width and shall be compacted thoroughly.
3. The grading for the subgrade shall be done in such a manner as to drain surface water from the subgrade into open side ditches.
4. Hauling in any form over the subgrade will not be permitted. (R.O. 2006 §525.030; Ord. 102, CC §69.030)

SECTION 520.040: CONCRETE PAVEMENT FOR STREETS

Materials for concrete pavement, equipment and construction methods for placing concrete pavement shall comply with the detailed requirements of the Standard Specifications of the Missouri State Highway Commission. Concrete for paving shall have a minimum modulus of rupture of five hundred fifty (550) pounds. (R.O. 2006 §525.040; Ord. 102, CC §69.040)

SECTION 520.050: FLEXIBLE PAVEMENT FOR STREETS

- A. The flexible pavement for streets shall be composed of an aggregate base course constructed of compacted gravel or limestone, an asphaltic primer and a hot-mix, hot-laid concrete surface course composed of graded aggregate and asphalt cement having a penetration of sixty (60) to seventy (70).
- B. All materials, plant, equipment and construction methods shall comply to the standard specifications of the Missouri Highway Commission. (R.O. 2006 §525.050; Ord. 102, CC §69.050)

SECTION 520.060: PLANS AND SPECIFICATIONS FOR STREET CONSTRUCTION

Detailed plans and construction specifications shall be submitted to the Village of Riverview for approval before construction work is begun. Computations for storm drainage shall be included and all necessary ditches and storm sewer facilities shall be shown on the plans. (R.O. 2006 §525.060; Ord. 102, CC §69.060)

SECTION 520.070: STREET EXCAVATION—DEFINITION

It shall be unlawful for any person, firm, partnership or corporation to excavate on or upon any street, road, highway or the right-of-way of any street, road or highway of the Village of Riverview for the purpose of installing, extending or repairing any facility such as gas main, gas line, pipeline or device or any other fixture or attachment located under or to be located under any street, road, highway and the rights-of-way in connection therewith within the Village without first making the deposit and obtaining the excavation permit as is hereinafter provided. (R.O. 2006 §525.070; Ord. 102, CC §67.010)

SECTION 520.080: STREET EXCAVATION—DUTIES OF STREET INSPECTOR

The Board of Trustees shall appoint a Street Inspector whose duties it shall be to inspect every excavation made by any person, firm, partnership or corporation as set forth in Section 520.070 and when said excavation or excavations are completed, the Street Inspector is to inspect same and report to the Village Clerk whether the street, road, highway or the right-of-way in connection therewith located within the Village is in as safe, satisfactory and passable condition as it was prior to said excavation or excavations. (R.O. 2006 §525.080; Ord. 102, CC §67.020)

SECTION 520.090: STREET EXCAVATION—DEPOSIT AND PERMIT

Prior to making any excavation upon any street, road, highway or the rights-of-way in connection therewith, the person, firm, partnership or corporation desiring to make an excavation or excavations

shall advise the Village Clerk in writing of its intention to make said excavation or excavations and inform the Village Clerk therein of the location or locations of said excavations. Prior to the making or commencement of any excavation or excavations, such person, firm, partnership or corporation shall make the deposit required herein with the Village Clerk and obtain an excavation permit from the Village Clerk. The deposit for each excavation shall be a sum determined by the Building Inspector based on the scope of the project. The excavation fee shall be ten dollars (\$10.00) for each one hundred (100) feet and portion of one hundred (100) feet in connection with the said job. One (1) year after the completion of the excavation or excavations the deposit shall be refunded to the person, firm, partnership or corporation upon receipt by the Village Clerk of a report by the Street Inspector after a final inspection that the street, road, highway or rights-of-way in connection therewith is in as safe, satisfactory and passable condition as it was prior to the excavation. In the event that the completed excavation does not leave the street, road, highway or right-of-way in connection therewith in such a condition as above set forth, the Village Clerk will immediately notify in writing the party who made or procured the excavation to be made to remedy the situation within ten (10) days so that the road, street, highway or right-of-way is in as safe, satisfactory and passable a condition as it was prior to the excavation or excavations. If said party does not comply with this written notice within the ten (10) day period, the Village may make the necessary repairs and use so much of the deposit as is necessary to make such repairs. (R.O. 2006 §525.090; Ord. 102, CC §67.030; Ord. No. 90-13 §§1—2, 8-20-90)

CHAPTER 525: NUMBERING OF STREET ADDRESSES

SECTION 525.010: BUILDINGS TO BE NUMBERED WITH STREET ADDRESS NUMBER

- A. Each residence (including single-family and multiple-family buildings) and/or commercial buildings within the Village of Riverview shall be numbered with its street address number for the purpose of identification. Said numbers shall be at least two and one-half (2½) inches high and two (2) inches wide and of such a color to be easily visible from the street. Said street numbers shall be placed on the front facing the street of each single-family building, multiple-family building and/or commercial building.
- B. All persons owning residential and/or commercial buildings shall comply with this Chapter within thirty (30) days of its passage.
- C. For the purpose of this Chapter, the titled owner(s) of each building shall be responsible for compliance with this Chapter. (R.O. 2006 §530.010; Ord. 102, Bill 260)

SECTION 525.020: PENALTY

- A. Failure to comply with this Chapter, as specified, shall render those responsible liable to a fine as set out in Section 100.090 of this Code.
- B. For each day those responsible for compliance with this Chapter fail to so comply, a new violation shall be deemed committed. (R.O. 2006 §530.020; Ord. 102, Bill 260)

CHAPTER 530: MISCELLANEOUS PROVISIONS

SECTION 530.010: DOWNSPOUT REGULATIONS

Downspouts shall not direct water from roofs or gutters in such a way as to cause damage to Village street rights-of-way, curbs or streets, or to property of others. If the Building Commissioner finds and determines that damage has occurred, he/she shall issue an order that the downspouts shall be changed. (R.O. 2006 §535.010; Ord. No. 92-12 §1, 4-20-92)

SECTION 530.020: ROOFING REGULATIONS

- A. A new asphaltic shingle type roof shall not be placed over two (2) existing roof coverings. In such a case, all old roofing materials shall be stripped off and deteriorated sheathing and felt paper shall be replaced.
- B. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.
- C. No person shall, without first obtaining a roofing permit from the Village, construct or repair any asphaltic shingle type roof on or over any structure located within the Village. Each application for a roofing permit shall be filed with the Village Clerk on a form to be provided by the Village and shall include the established user fee as required by Subsection (E) hereof. No roofing permit shall be issued until the Village Building Commissioner has reviewed and approved the work as proposed in the permit application. In reviewing the application submitted, the Building Commissioner shall approve the issuance of a permit if the work proposed is consistent with good construction practices and the health, safety and general welfare of the Village and its residents.
- D. All permits issued in accordance with this Section shall expire one hundred eighty (180) days after the date of issuance. All roofing shall be initiated and pursued with reasonable diligence and in a reasonable workmanlike manner consistent with the permit application. The Building Commissioner may, after reasonable notice to the permit holder and a hearing thereon, revoke any permit issued pursuant to this Section if the Building Commissioner finds that the work permitted thereby has not been pursued with reasonable diligence or in a reasonable workmanlike manner consistent with the permit application. In addition, the Building Commissioner may issue a stop work order to any person constructing or repairing any asphaltic shingle type roof without a permit or in a manner inconsistent with the permit application or the provisions of this Section.
- E. A user fee is established by the Board of Trustees from time to time for permit application, examination, inspection, and other services or activities associated with the requirements and administration of this Section. A schedule of user fees can be found in Section 405.1010 of this Code of Ordinances.
- F. Any person found guilty of violating the provisions of this Section or engaging in roofing repairs or installation in violation hereof or contrary to a stop work order shall be subject to penalty as provided in Section 100.090 of the Village Code. (R.O. 2006 §535.020; Ord. No. 94-19 §§1—2, 7-28-94; Ord. No. 94-29 §1, 12-28-94; Ord. No. 96-08 §1, 5-30-96; Ord. No. 03-29 §1, 9-25-03; Ord. No. 10-16 §1, 10-28-10)

SECTION 530.030: CONSTRUCTION DUMPSTERS AND TEMPORARY EXTERIOR STORAGE UNITS

A. As used in this Section, the following terms shall have the following meanings:

CONSTRUCTION DUMPSTERS: Roll-off waste containers transported to and from the place of use by trucks or trailers and positioned at a construction site for the collection and eventual disposal of construction waste.

PORTABLE ON DEMAND STORAGE UNIT: A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

STORAGE TRAILERS: Trucks, trailers and other vehicles or parts of vehicles designed to be hitched or attached to trucks, tractors or other vehicles for movement from place to place and used as a temporary exterior storage unit.

TEMPORARY EXTERIOR STORAGE UNIT: Any storage trailer, portable on demand storage unit or similar unit or device designed to be placed outside of a building or structure and to temporarily store items of personal property.

B. It shall be unlawful for any person to park, place or undergo placement of a construction dumpster or temporary exterior storage unit which:

1. Is not secured and inaccessible to others not using the unit;
2. Lacks verminproof floors or otherwise permits rats or vermin harborage; or
3. Is not in a state of good repair and alignment and free from nuisance.

C. It shall be unlawful for any person to park, place or undergo placement of a construction dumpster or temporary exterior storage unit which is:

1. In or upon any street, highway, roadway, designated fire lane or sidewalk;
2. On any lot or property other than on a concrete, asphalt or other improved surface;
3. On any lot or property used for commercial purposes or containing three (3) or more dwelling units in such a way to block or interfere with access to a garage or off-street parking area;
4. On any lot or property in a manner which:
 - a. Interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;
 - b. Obstructs the light or air of any dwelling unit;
 - c. Obstructs safe means of access to or from any dwelling unit;
 - d. Creates fire or safety hazards; or

- e. Displays advertising, other than the identification of the manufacturer or operator of the unit.
- D. It shall be unlawful for any person to park, place or undergo placement of a construction dumpster or temporary exterior storage unit on any lot or property without having obtained a permit or in violation of permit conditions as provided in this Section.
- E. *Permits.*
 - 1. No person shall park, place or undergo placement of a construction dumpster or temporary exterior storage unit without obtaining a permit from the Building Department. The permit shall specify the time period, not exceeding thirty (30) days, during which the unit may be kept on the property. No more than three (3) permits may be issued for any lot or parcel of property in any twelve (12) month period.
 - 2. The permit shall specify where the unit is to be situated on the property, which shall be on a driveway or other paved surface at a point farthest from the street, preferably to the rear of the building.
- F. Any person, firm or corporation who violates the provisions of this Section shall be subject to the penalty provisions of Section 100.090 of the Municipal Code of the Village of Riverview. (Ord. No. 08-18 §1, 2-28-08)

SECTION 530.040: PLACEMENT OF SECURITY MATERIALS ON COMMERCIAL STRUCTURES

- A. *Purpose.* The purpose of these regulations is to standardize the materials, height, width, and maintenance of security bars and devices covering windows or doors on the outside of commercial structures in order to prevent the creation of nuisances and to promote the general welfare of the public.
- B. *Standards And Requirements.*
 - 1. All security bars or other security devices placed over windows or doors of commercial structures within the Village must have a permit issued prior to construction or replacement.
 - 2. The property owner or his/her authorized representative shall submit an application for a permit with the Village Clerk. The applicant must include a drawing of the building, the location of all windows and doors of the structure, and the location of every proposed security device. The application must also include a description of the materials to be used and a scale drawing of every proposed security device to be placed over a window and/or door. The application will not be accepted by the Village Clerk until the applicable fees are paid in full and all required drawings are submitted. Upon acceptance by the Village Clerk of the application for a permit, the Board of Trustees shall review the application for permit at its next regularly scheduled meeting. The Board of Trustees shall issue the permit if the application meets all the criteria of this Section. The Board of Trustees may deviate from the standards of this Section if the Board of Trustees finds that its strict application will create an undue hardship on the applicant.
 - 3. All security bars or other security devices intended for placement over windows and doors of commercial structures shall be of original construction intended for such purpose. Decorative

wrought iron and galvanized steel are acceptable security materials for placement over windows and doors.

4. Prohibited material for bars or security devices over windows or doors shall include, but are not limited to, chain link, barbed wire, razor wire, wire mesh, and electrified material.
 5. All bars or other security devices shall be appropriate to the building design and the other buildings and residences in the immediate surrounding area. Bars and security devices shall be sized appropriately to the building and shall be sized and shaped to match the window or door opening. All bars or security devices shall be installed as not to be obtrusive or dangerous for people walking by the building. All bars or security devices shall be designed so as to complement the exterior of the structure.
 6. The Board of Trustees may require landscaping to soften the appearance of the proposed bars or security devices to be placed on a building.
 7. The Building Commissioner is hereby empowered to issue notices to property owners to comply with all provisions of this Section. Building owners will be given fifteen (15) days to comply with any and all requests. However, a longer response time may be granted at the discretion of the Building Commissioner in cases when such compliance would cause an undue hardship.
 8. This Section does not prohibit the placement of awnings of any kind on the exterior of a commercial structure.
 9. The property owner shall repair, paint, remove, or otherwise attend to any security device that has become unsightly or a menace to public health, safety, or welfare, or both.
 10. It shall be unlawful for any property owner to allow his/her property within the Village to be in a condition that is inconsistent with this Section.
- C. *Penalty.* Any person violating this Section shall be subject to a fine, upon conviction, of up to one thousand dollars (\$1,000.00) and/or incarceration for up to ninety (90) days. (Ord. No. 10-09 §1, 10-28-10)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: LICENSES AND BUSINESS REGULATIONS

SECTION 600.010: MERCHANT—DEFINED

Every person, corporation, copartnership or association of persons, except motor vehicle dealers as defined in Sections 150.010 to 150.015, RSMo., who shall deal in the selling of goods, wares and merchandise at any store, stand or place occupied for that purpose, is declared to be a merchant.

SECTION 600.020: LICENSE REQUIRED—EXCEPTIONS

- A. Every person, partnership, firm or corporation coming within the foregoing definition of a merchant, business or establishment shall, before doing or offering to do business as such in the Village of Riverview, procure from the Village Clerk a license therefor in conformity with the provisions of this Chapter, which license shall not be transferable or assignable. The Board of Trustees may place certain conditions on a business license governing the operation of the business and which relate to the public health, safety or welfare. Every person partnership, firm or corporation receiving a business license with conditions must abide by all conditions of the license.
- B. Church-operated day care facilities for adults or children shall not require a license from the Village. (R.O. 2006 §600.020; Ord. 102, CC §54.020; Ord. No. 90-25 §2, 12-17-90; Ord. No. 00-23 §1, 8-24-00)

SECTION 600.030: MERCHANTS TO FILE STATEMENTS

The Collector shall, after January first (1st) and before June first (1st) in each year, deliver to each merchant an application for a merchant's license; and it shall be the duty of every merchant, whether so notified or not, to furnish to the Collector, prior to June first (1st) of each year, an application for a merchant's license, including a statement of the aggregate amount of all wholesale and retail sales or gross receipts made by such merchant during the preceding calendar year, which statement shall be in writing and delivered to the Collector, verified by the affidavit of the merchant or owner of the business or establishment, or officer of the corporation making it, if residing in the Village, and if not, then by some credible person duly authorized to do so. The application and statement shall be on such form or forms as the Collector shall prescribe. Provided however, that the following businesses or callings shall be exempt from the filing of a statement of wholesale and retail sales or gross receipts and from the payment of any taxes or fees for a merchant's license.

- 1. Any person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon.
- 2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this State shall be taxed or made liable to pay any license tax or fee for the privilege of

following or carrying on said profession unless that person maintains a business office within the Village.

3. After December 31, 2003, no investment funds service corporation, as defined in Section 143.451, RSMo., may be required to pay, or shall be taxed or made liable to pay, any license fee of any description whatever for the privilege of following or carrying on its business or occupation in excess of or in an aggregate amount exceeding twenty-five thousand dollars (\$25,000.00) annually. (R.O. 2006 §600.030; Ord. 102, CC §54.030; Ord. No. 91-17 §1, 8-19-91)

SECTION 600.040: AMOUNT OF TAX

Every merchant coming within the definition in Section 600.010 of this Chapter shall on or before July first (1st) of each year pay to the Village Collector an annual license tax for businesses on the amount of gross sales or receipts during the preceding calendar year of such merchant at each office, shop, stand or other place occupied for that purpose within the Village of Riverview as follows:

1. On the first one hundred thousand dollars (\$100,000.00) of gross sales or gross receipts or fraction, one dollar fifty cents (\$1.50) on each one thousand dollars (\$1,000.00) or fractional part thereof.
2. On all gross retail sales or gross receipts over one hundred thousand dollars (\$100,000.00) and up to and including two hundred thousand dollars (\$200,000.00), one dollar seventy-five cents (\$1.75) on each one thousand dollars (\$1,000.00) or fractional part thereof.
3. On all gross retail sales or gross receipts over two hundred thousand dollars (\$200,000.00), two dollars (\$2.00) on each one thousand dollars (\$1,000.00) or fractional part thereof.
4. No license shall be issued under the provisions of this Chapter for less than thirty-five dollars (\$35.00) which sum shall be paid by such merchant, business or establishment doing business within the Village of Riverview.
5. No merchant shall be required to pay any license tax who is exempt from filing a statement of gross receipts as set forth in Section 600.030. (R.O. 2006 §600.040; Ord. 102, CC §54.040; Ord. No. 91-17 §1, 8-19-91; Ord. No. 06-25 §1, 11-30-06)

SECTION 600.050: LICENSE FOR MERCHANTS, BUSINESSES AND ESTABLISHMENTS BEGINNING BUSINESS DURING THE YEAR

Whenever any person, firm or corporation shall first engage in business within this Village, it shall be a required duty to first make application to the Village Collector for a license as herein prescribed and to file with such application his/her estimate of the gross amount of all receipts expected during the balance of the calendar year in which application is made. Applicant shall pay the tax on such estimated return calculated in the same manner as provided herein. Thereafter, before July first (1st), such licensee shall file with the Village Collector a statement of the actual amount of gross sales or gross receipts during the calendar year in which the licensee began business and said licensee shall pay any additional license fee for such year, if any. Such licensee shall at the same time file a statement of the estimated gross receipts from such business during the succeeding

calendar year in like manner as above provided and pay the license fee based upon such estimated receipts, and on or before July first (1st) of the following year such licensee shall file a statement of the actual gross sales or gross receipts during the preceding calendar year and pay the balance of the license fee, if any, computed as set forth above. (R.O. 2006 §600.050; Ord. 102, CC §54.050)

SECTION 600.060: MERCHANTS, BUSINESSES AND ESTABLISHMENTS TO KEEP ACCOUNTS

It shall be the duty of each merchant, business and establishment to keep proper books and records, in which shall be entered an account of all sales made and receipts taken in, which records shall always be open to inspection by the Collector or a duly appointed agent of the Collector to verify the returns made by such merchant, business or establishment. The statements or returns made to the Collector under the provisions of this Chapter shall not be made public nor shall they be open to the inspection of any person except the members of the Board of Trustees. Every licensee or applicant for license under the provisions of this Chapter shall, upon demand by the Collector, file with said Collector a certified copy of any Missouri State Sales Tax Return made by such applicant or licensee during a period of three (3) years prior to such demand. Refusal to comply with the provisions of this Section shall be deemed cause for revocation of license or refusal to grant any license applied for. (R.O. 2006 §600.060; Ord. 102, CC §54.060)

SECTION 600.070: EFFECTIVE DATE OF LICENSE TAXES INCREASED AND LICENSE TAXES ENACTED FOR THE FIRST TIME

Any increase in license taxes and any license taxes enacted for the first (1st) time under this Chapter shall be in effect and shall become due as specified herein on July 1, 1964. (R.O. 2006 §600.090; Ord. 102, CC §54.100)

SECTION 600.080: EXCLUSIONS

In the event there is in full force and effect separately an ordinance of the Village of Riverview licensing or taxing an item, occupation or business, this Chapter shall not apply to that item, occupation or business, it being the intent hereof that only one (1) tax shall be charged. (R.O. 2006 §600.100; Ord. 102, CC §§54.110, 54.580)

SECTION 600.090: MANUFACTURING PLANTS—LICENSING FEE

- A. There shall be imposed upon all manufacturers, doing business within the Village of Riverview or having manufacturing plants within the Village of Riverview, an annual license fee of twenty-five dollars (\$25.00).
- B. Said license fee shall be payable by August 1 of each year, commencing with August 1, 1981. (R.O. 2006 §600.110; Ord. 31; Bill 336)

SECTION 600.100: MISCELLANEOUS LICENSES—DEFINITION

No person, firm, partnership or corporation shall engage in any of the occupations or businesses in

the Village of Riverview enumerated in Section 600.010 hereof without having first applied for and obtained a license to conduct such business or occupation from the Village Clerk and paying the license fee hereinafter set out. (R.O. 2006 §600.120; Ord. 102, CC §54.500)

SECTION 600.110: LICENSE FEE

For the various and sundry businesses and occupations set forth hereinbelow, there are fixed and prescribed the license fees set opposite thereto:

All Games other than Pin Ball Machines for Amusement purposes, per machine, per year	\$2.00 per \$1,000 of annual gross receipts Minimum \$35.00
Auctioneers and Auction Sales, per day	35.00
Billiard and Pool Tables, per Table, per year	35.00
Bowling and Tenpin Alleys, per Alley, per year	35.00
Bread Trucks and Wagons, per Truck, per year	35.00
Dairy Trucks and Wagons, per Truck, per year	35.00
Peddlers, Hawkers, Hucksters, Canvassers, Solicitors and Itinerant Merchants	
First Day	5.00
Each Month or Part Thereof, Thereafter	5.00
Maximum, per Year from Date of Issuance	35.00
Haulers - Trash and Garbage, per business, per year:	
Residential collection	250.00
Commercial collection	250.00
Residential and commercial collection	500.00
Pin Ball Machines, per Machine, per year	2.00 per \$1,000 of annual gross receipts Minimum \$35.00
Vending Machines vending merchandise as follows:	
Purchase Denominations:	
\$0.01 per machine; per year	1.00
Combination of \$0.01 and \$0.05 per machine, per year	5.00
\$0.05 per machine, per year	5.00
Combinations of \$0.01, \$0.05, and \$0.10 per machine, per year	10.00
Combinations of \$0.05, \$0.10, per machine, per year	10.00

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Vending Machines vending merchandise as follows (cont):

Purchase Denominations (cont):

\$0.10 per machine, per year 10.00

Any denominations above \$0.10 per machine,
per year 10.00

Mobile businesses, per vehicle 25.00

(R.O. 2006 §600.130; Ord. 102, Bill 330, CC §54.510; Ord. No. 94-24 §1, 11-17-94)

SECTION 600.120: LICENSE PERIOD

The period of the license herein covered under this Chapter shall be from July first (1st) of one year to June thirtieth (30th) of the succeeding year. (R.O. 2006 §600.140; Ord. 102, CC §54.520; Ord. No. 08-44 §1, 9-25-08)

SECTION 600.130: LICENSE FORM

It shall be the duty of the Village Clerk to furnish blanks for licenses which shall be in the following form:

LICENSE

No. _____
Village of Riverview
St. Louis County

\$ _____
State of Missouri

To All Who See These Presents

GREETINGS

Know ye, that _____, having paid to the Village Collector _____ Dollars, and having complied otherwise with the provisions of the ordinances of said Village, is therefore authorized and empowered to _____ within the jurisdiction of said Village for _____ from the _____ day of _____ A.D. 20____, to the _____ day of _____, 20____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Said Village, this _____ day of _____ A.D. 20____.

Countersigned by:

Village Collector

Village Clerk

(R.O. 2006 §600.150; Ord. 102, CC §54.530)

SECTION 600.135: BUSINESS LICENSE TAXES ON UTILITIES

The Board of Trustees has made a determination pursuant to Section 393.275, RSMo., and all other applicable authority, to maintain the tax rate of its business license tax on the gross receipts of businesses supplying electricity or electrical services, without reduction, regardless of the amount of any tariff increase, notwithstanding any periodic fluctuations in the tariffs of such corporation or any notice thereof, including, but not limited to, notice provided to the City pursuant to Section 393.275, RSMo. (Ord. No. 11-21 §I, 9-22-11)

SECTION 600.140: PENALTIES

- A. *Penalty For Doing Business Without A License.* Any merchant, business or establishment selling or offering for sale, within the Village of Riverview, any goods, wares or merchandise, or any merchant, business or establishment engaging in business without first complying with the provisions of this Chapter, shall upon conviction thereof be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) and not more than one thousand dollars (\$1,000.00) or imprisonment in the County Jail for not more than ninety (90) days or be punished by both such fine and imprisonment for each and every offense, and each day said violation continues shall be a separate offense.
- B. *Penalty For Failure To Deliver Statements.* Any merchant, business or establishment failing, neglecting or refusing to deliver the statements required by the provisions of this Chapter and to pay the license tax levied thereon on or before July first (1st) in each year shall upon conviction thereof be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) and not more than one thousand dollars (\$1,000.00) or imprisonment in the County Jail for not more than ninety (90) days or be punished by both such fine and imprisonment for each offense. Whenever a license tax is not paid within thirty (30) days after it becomes due, there shall be charged a penalty of one percent (1%) per month or fractional part thereof; however, not to exceed ten percent (10%) annually for such delinquency and such penalty shall not be abated except by action of the Board of Trustees of the Village of Riverview. In the event any merchant, business or establishment fails, neglects or refuses to deliver statements required by the provisions of this Chapter so that the amount of sales or receipts cannot be determined by the Collector, the Board of Trustees of the Village of Riverview shall set a hearing on a date certain for determination of the amount of sales or receipts of such merchant, business or establishment and shall, by hearing, determine the amount of tax to be due from said merchant, business or establishment. Such merchant, business or establishment shall be notified in writing of such hearing by delivering a copy to the address of such business establishment. Any delinquency under this Chapter shall be promptly reported by the Collector to the Village Attorney.
- C. *Penalty For Fake Affidavits.* Whoever shall make or file with the Collector under the provisions of this Chapter a false statement under oath shall, upon conviction thereof, forfeit his/her license and be subject to the penalty prescribed in Subsection (B) of this Section. It shall be the duty of the Collector to carefully examine all statements filed by such merchant, business or establishment and refer to the proper authorities for prosecution all violations of this Chapter.
- D. *Generally.* Any person, firm, partnership or corporation carrying on any of the aforementioned businesses or occupations without first complying with the provisions of this Chapter or without complying with the conditions placed upon the license granted for that business shall upon conviction thereof be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) and not more than one thousand dollars (\$1,000.00) or imprisoned in the County Jail for not more than

ninety (90) days or be punished by both such fine and imprisonment for each and every offense, and each day said violation continues shall be a separate offense. (R.O. 2006 §600.160; Ord. 102, CC §§54.120—54.140, 54.540; Ord. No. 00-23 §2, 8-24-00)

SECTION 600.150: REVOCATION

- A. Any merchant license issued pursuant to this Chapter shall be revoked immediately upon notification by the Missouri Director of Revenue that the licensee's State retail sales license has been revoked pursuant to Section 144.083, RSMo.
- B. Licenses issued under provisions of this Chapter may be revoked by the Board of Trustees, after notice and hearing, for any of the following causes:
 - 1. Fraud, misrepresentation or any false statement in the application for the license.
 - 2. Any violation of this Chapter or the conditions under which the license was granted by the Board of Trustees.
 - 3. Conviction of any crime or misdemeanor involving moral turpitude.
 - 4. Conducting the business in an unlawful manner or in such a manner as to constitute a nuisance or menace to the health, safety or general welfare of the public.
- C. Revocation of a license issued pursuant to this Chapter may be in addition to any other fine or penalty imposed under this Code. (R.O. 2006 §600.180; Ord. No. 90-17 §2, 10-15-90; Ord. No. 00-23 §3, 8-24-00)

SECTION 600.160: NOTICE OF HEARING ON LICENSE REVOCATION

Notice of the hearing on the revocation of a license issued pursuant to this Chapter shall be in writing, setting forth the grounds of the complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the licensee at his/her last known address or location of business at least five (5) days before the date set for the hearing. (R.O. 2006 §600.185; Ord. No. 00-23 §4, 8-24-00)

CHAPTER 605: ALCOHOLIC BEVERAGES

SECTION 605.005: PURPOSE

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors and retailers.

SECTION 605.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating

liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "*Original package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

SECTION 605.015: SALE BY THE DRINK DEFINED

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 605.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the Village of Riverview without a currently valid liquor license issued by the Village. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* A separate license shall be taken out for each of the following classes of licenses in which a person desires to engage and said license fees shall be paid annually:
 - 1. *Manufacturing, brewing, etc.—licenses.*
 - a. For the privilege of manufacturing and brewing in this Village malt liquor containing not in excess of five percent (5%) of alcohol by weight and the privilege of selling to duly

licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of three hundred seventy-five dollars (\$375.00).

- b. For the privilege of manufacturing in this Village intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of three hundred dollars (\$300.00).
- c. For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this Village and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds to, by or through a duly licensed wholesaler within this Village, the sum of six hundred seventy-five dollars (\$675.00).
- d. For the manufacture and sale by the manufacturer of non-intoxicating beer manufactured or brewed in the Village, the sum of three hundred seventy-five dollars (\$375.00).

2. *Liquor solicitor.*

- a. For the privilege of selling to a duly licensed wholesaler and soliciting orders for the sale of malt liquor or beverage containing not in excess of five percent (5%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of seventy-five dollars (\$75.00).
- b. For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of one hundred fifty dollars (\$150.00).
- c. For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds to, by or through a duly licensed wholesaler within this Village, the sum of three hundred seventy-five dollars (\$375.00).

3. *Liquor manufacturer/solicitor—licenses.*

- a. For the privilege of selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of one hundred fifty dollars (\$150.00).
- b. For the privilege of selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight to, by or through a duly licensed wholesaler within this Village, the sum of three hundred dollars (\$300.00).

- c. For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail, provided however, that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor to, by or through a duly licensed wholesaler shall not entitle the holder thereof to sell within the Village of Riverview direct to retailers; provided further, a wholesaler's license shall not authorize or entitle the holder thereof to sell to other wholesalers or to solicit orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler within this Village, the sum of seven hundred fifty dollars (\$750.00).
- d. For the privilege of selling by any distributor or wholesaler, to whom other than the manufacturer or brewer thereof, non-intoxicating beer, the sum of seventy-five dollars (\$75.00).

4. *Original package—licenses.*

- a. For the privilege of selling intoxicating liquor at retail in the original package, where such liquor shall not be consumed upon, or such original package not be opened upon, the premises where sold, the sum of one hundred fifty dollars (\$150.00).
- b. For a permit authorizing the sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of seventy-five dollars (\$75.00) per year. This license may include Sunday sales from 9:00 A.M. to Midnight.
- c. For the privilege of selling non-intoxicating beer in the original package direct to consumers, but not for resale, the sum of twenty-two dollars fifty cents (\$22.50).
- d. For the privilege of selling intoxicating liquor in the original package at retail between the hours of 9:00 A.M. and Midnight on Sundays, the sum of three hundred dollars (\$300.00).

5. *Liquor by the drink—licenses.*

- a. For the privilege of selling at retail by the drink, for consumption on the premises where sold, malt liquor or beverages containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, the sum of seventy-five dollars (\$75.00). This license may include Sunday sales from 9:00 A.M. to Midnight.
- b. For the privilege of selling at retail by the drink, for consumption on the premises where sold, all kinds of intoxicating liquor, including the sale of intoxicating liquor in the original package, the sum of four hundred fifty dollars (\$450.00).
- c. For the privilege of selling non-intoxicating beer for consumption on the premises where sold, the sum of thirty-seven dollars fifty cents (\$37.50).
- d. For the privilege of selling malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, or light wines containing not in excess of fourteen percent (14%) of alcohol by weight exclusively from grapes, berries and other fruits and vegetables, or both such malt liquor and wine to

be sold by the drink at retail for consumption on the premises where sold, the sum of seventy-five dollars (\$75.00).

- e. For the privilege of selling intoxicating liquor by the drink on Sundays in "restaurant-bars" as used in this Chapter, any establishment having a restaurant or similar facility on the premises, of which at least fifty percent (50%) of the gross income is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises. All other laws and regulations of the Village relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to a restaurant-bar in the same manner as they apply to other establishments licensed under the provisions of this Chapter. In addition to all other fees required by law, a restaurant-bar shall pay an additional fee of three hundred dollars (\$300.00) a year for Sunday sales payable at the same time and in the same manner as its other license fees.

C. *Miscellaneous Licenses/Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 605.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold. The fee for said temporary permit for sale by the drink to be limited to a maximum of seven (7) days shall be thirty-seven dollars fifty cents (\$37.50).
2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (A)(4)(a) and (d) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption. The fee for said tasting permit shall be thirty-seven dollars fifty cents (\$37.50).
3. *Caterers.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 605.045 below may apply for a caterer's license for a fee of fifteen dollars (\$15.00) per each calendar day, with the limitations as set out in Section 605.045 herein.

D. Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

E. In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used only for a part of the license period after the effective beginning date of such license, no refund of any license fee or part thereof shall be made.

SECTION 605.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery

or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. *Temporary Permit For Sale By Drink—Certain Organizations.*

1. The Village Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the Village shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter, nor any employee of such person,

shall sell, give away or permit the consumption of any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the Village, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

- F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to

prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

SECTION 605.040: SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within two hundred (200) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Trustees, except that when a school, church or place of worship shall hereafter be established within two hundred (200) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within two hundred (200) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days. (R.O. 2006 §610.100; Ord. No. 102, CC §50.590)

SECTION 605.045: TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS—PERMIT—FEE REQUIRED

- A. The Village may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the Village an amount as set out in Section 605.020(C)(3) above, or fraction thereof, for which the permit is issued.
- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the Village, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.

- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each Village the caterer delivers in, so long as such Village permits any caterer to deliver alcoholic beverages within the Village.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight or non-intoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

SECTION 605.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the Village Clerk on a form to be provided by the Village, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the Village.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the Village; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Trustees also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the Village for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

SECTION 605.060: MINORS**A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.***

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

B. *Sales To Minor—Exceptions.*

1. No licensee, his/her employee or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and

- c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.*

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 605.010 or shall be visibly intoxicated as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
2. The provisions of this Subsection shall not apply to a student who:
 - a. Is eighteen (18) years of age or older;
 - b. Is enrolled in an accredited college or university and is a student in a culinary course;
 - c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
 - d. Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.
3. The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

- E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such

container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

SECTION 605.070: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 2. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.*
1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
 2. Any retailer licensed pursuant to this Chapter shall not:
 - a. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 - b. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply

intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

G. *Possession Of Open Container Of Intoxicating Liquor Or Consumption Of Intoxicating Liquor In Certain Public Places.*

1. It shall be unlawful for any person to possess any intoxicating liquor on any street, sidewalk or Village parking facility unless such intoxicating liquor is in the original container and the seal is unbroken.
2. It shall be unlawful for any person to consume intoxicating liquor on any street, sidewalk or Village parking facility.
3. The definition of intoxicating liquor contained in Section 605.010 of this Chapter shall apply to this Section.
4. The Board of Trustees may temporarily exclude any street from the provisions of this Section in connection with the temporary closing of the street for a special event.
5. In prosecutions under this Section there is a rebuttable presumption that a container marked or labeled as containing an intoxicating liquor actually contains the described intoxicating liquor. This rebuttable presumption applies only in cases where a sample of the contents of the container has been preserved and is available to the defendant for testing. (R.O. 2006 §223.140; Ord. No. 03-32 §§1—2, 9-25-03)

SECTION 605.080: WARNING SIGN DISPLAYED—LIQUOR LICENSES

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.

SECTION 605.090: ADMINISTRATION OF LAW—LICENSE SUSPENSION/REVOCATION

- A. *Suspension Or Revocation Of License—When—Manner.*** The Board may suspend or revoke the license of any person for cause shown. In such cases the Village Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 605.100 of this Chapter.
- B. *Grounds For Suspension Or Revocation.*** A license may be suspended or revoked for any of the following reasons:
1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the Village;

2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
 3. Making a false affidavit in an application for a license under this Chapter;
 4. Failing to keep an orderly place or house;
 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 7. Selling, giving or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 605.100: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the Village Clerk to tell the truth and nothing but the truth.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 605.090 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

CHAPTER 610: PEDDLERS AND SOLICITORS

SECTION 610.010: DEFINITIONS

As used in this Chapter, the following words have the meaning indicated:

CANVASSER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

SOLICITOR: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or
2. Distributing a handbill or flyer advertising a commercial event or service.

SECTION 610.020: EXCEPTION

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

SECTION 610.030: IDENTIFICATION CARD REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the Village without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring Village residents of the canvasser's good faith shall be issued one upon request.

SECTION 610.040: FEES GENERALLY

The fees for licenses required under this Chapter shall be five dollars (\$5.00) per day with a maximum fee of thirty-five dollars (\$35.00). (R.O. 2006 §625.050; Ord. 102, CC §52.050)

SECTION 610.050: APPLICATION FOR IDENTIFICATION CARD

Any person or organization, formal or informal, may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

SECTION 610.060: CONTENTS OF APPLICATION

The applicant, person or organization shall provide the following information:

1. Name of applicant.
2. Number of identification cards required.
3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken.
4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a card is requested.
6. A brief description of the proposed activity related to this identification card. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a card is requested and, if available, the social security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.
10. If a card is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the Village's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine that all Village sales taxes have been paid.
11. If a card is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.

- b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

SECTION 610.070: ISSUANCE OF IDENTIFICATION CARD

The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or
3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

SECTION 610.080: INVESTIGATION

During the period of time following the application for one (1) or more identification cards and its issuance, the Village shall investigate as to the truth and accuracy of the information contained in the application. If the Village has not completed this investigation within the sixteen (16) business hours provided in Section 610.070, the identification card will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an identification card, the investigation will proceed as described above, but if the Village refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the Village.

SECTION 610.090: IDENTIFICATION CARDS OF OTHER VILLAGE

Instead of the application procedure above, if an applicant produces identification cards issued by another Village having an ordinance substantially the same as this one, the issuing officer may in his/her discretion immediately issue identification cards without the necessity of a formal application or investigation.

SECTION 610.100: DENIAL—ADMINISTRATIVE REVOCATION

If the issuing officer denies, or upon completion of an investigation revokes, the identification card to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral

notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the Board of Trustees at its next regular meeting.

SECTION 610.110: HEARING ON APPEAL

If the applicant requests a hearing under Section 610.100, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the Village is located. The hearing shall also be subject to the Missouri open meetings and records law.

SECTION 610.120: DISPLAY OF IDENTIFICATION CARD

Each identification card shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

SECTION 610.130: VALIDITY OF IDENTIFICATION CARD

An identification card shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

SECTION 610.140: REVOCATION OF CARD

In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

1. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the Village Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 610.100 above.

SECTION 610.150: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 610.160(1) and (2).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the Village receives a complaint of damage caused to private property during the distribution of handbills or flyers.

SECTION 610.160: GENERAL PROHIBITIONS

No peddler, solicitor or canvasser shall:

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.
2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. Enter upon any private property where the current occupant has posted the property on the Village's "no visit" list, except where the posting form indicates the occupant has given permission for this type of visit, regardless of whether a front yard sign is posted.
4. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

SECTION 610.170: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the Village. The penalty for such violation shall be the same as for any other trespass.

CHAPTER 615: PAWNBROKERS

SECTION 615.010: DEFINITIONS

For the purpose of this Section, the following terms, phrases, and words shall have the following meanings unless otherwise indicated by context:

CHIEF OF POLICE: The Chief of Police of the Village of Riverview Police Department.

CLERK: The Clerk of the Village of Riverview, or that person otherwise designated by the Board of Trustees to administer this Chapter.

MONTH: That period of time from one (1) date in a calendar month to the corresponding date in the following calendar month, but if there is no corresponding date, then the last date of such following month, and when computations are made for a fraction of a month, a day shall be one-thirtieth (1/30th) of a month.

NET ASSETS: The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, bank deposits, merchandise inventory and loans due from customers, excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures or equipment; investments made in stocks, bonds or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.

PAWNBROKER: Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP: The location at which, or premises in which, a pawnbroker regularly conducts business.

PERSON: An individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

PERSON OF GOOD MORAL CHARACTER: A person who has not been convicted of any State, Federal or municipal offense involving drugs or narcotics, robbery, burglary, theft, stealing, receiving stolen property, embezzlement, extortion, forgery, gambling, bribery, perjury, any weapons offense or any crime of violence.

PLEDGED GOODS: Tangible personal property other than choses in action, securities, or printed evidence of indebtedness, which property is deposited with, or otherwise actually delivered into the possession of, a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN: Every loan of money made in this Village, the payment of which is secured by a security interest in tangible personal property which is physically delivered

into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation. (R.O. 2006 §635.010; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.020: LICENSES

- A. *Licenses Required.* No person shall operate a pawnshop in the Village of Riverview unless such person obtains a pawnshop license issued by the Village in accordance with the licensing provisions of this Chapter 615 and any other applicable Village ordinance. A license is required for each place where pawnbroking business is transacted, and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license. It shall be unlawful for any person to conduct or transact a pawnbroker business in the Village unless he/she shall keep posted in a conspicuous place in the place of business the license certificate therefor and a copy of all ordinances relating to pawnbrokers.
- B. *Licensing Year Is Calendar Year.* All licenses issued under this Chapter are for a period of one (1) year, or portion of one (1) year, and expire on Midnight of December thirty-first (31st). The license fee for any license which is issued for a portion of a year shall be prorated by the Clerk.
- C. *Application For New Pawnshop License.*
1. An application for a new pawnshop license shall be under oath and on forms prescribed and provided by the Clerk and shall contain other relevant information sufficient to inform the Clerk regarding the qualifications of the applicant for a license as required by the Clerk. At minimum, the application shall include:
 - a. The full name and address of the applicant and each prospective pawnshop employee, if known, for the past two (2) years;
 - b. The address where the business is to be conducted;
 - c. A statement as to whether the applicant and each prospective pawnshop employee, if known, have ever been convicted of a felony;
 - d. The name, address and phone number of at least two (2) persons of good moral character who may be used as character references for the applicant and each prospective pawnshop employee, if known; and
 - e. If the applicant is a partnership, the application shall include the required information for each partner, and whether such partner is a general partner or a limited partner. If the applicant is a corporation, the application shall include the required information for each officer and clerk and each shareholder owning twenty percent (20%) or more of the corporate stock.
 2. The application shall be accompanied by:
 - a. An investigation fee of five hundred dollars (\$500.00) if the applicant is unlicensed at the time of applying for the pawnshop, or two hundred fifty dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location;

- b. Proof of general liability insurance in the amount of five hundred thousand dollars (\$500,000.00);
- c. An annual fee of five hundred dollars (\$500.00); and
- d. If the applicant is a corporation, a "certificate of good standing" issued by the Missouri Secretary of State.

D. *Non-Use And Transfer Of License.*

1. If a pawnbroker shall not conduct business for any continuous period of ninety (90) days after the issuance of a license, the license shall be null and void.
2. Licenses are personal to the licensee and may not be transferred to any other person. Any attempt to transfer such license to any other person shall render said license null and void. It shall be unlawful for any person to do business, or to attempt to do business, under a license transferred to him/her.

E. *Investigation By Clerk.* The Clerk shall investigate the facts contained in an application for a new pawnshop license and shall request the assistance of the Chief of Police and any other person who has knowledge of the facts contained in the application or who is authorized to investigate these facts.

F. *Standards For Issuance.* No license shall be issued to any person who:

1. Is not of good moral character, or to any pawnshop employing persons who are not of good moral character;
2. Makes a false statement of material facts in the application for a license or a renewal license;
3. Fails to show that the pawnshop will be operated lawfully and fairly within the purposes of the Chapter;
4. Has a felony or misdemeanor conviction which either directly relates to the duties and responsibilities of the occupation of pawnbroker or which otherwise makes the applicant presently unfit for a license;
5. Does not have net assets of at least fifty thousand dollars (\$50,000.00) readily available for use in conducting business as a pawnshop for each licensed pawnshop; or
6. Does not file with the Clerk a bond satisfactory to the Clerk in an amount of five thousand dollars (\$5,000.00) with a surety company qualified to do business in this Village. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the Village for the use of the Village and of any person(s) who may be a cause of action against the obligor of such bond under the provisions of this Chapter. Such bond shall be conditioned that the obligor will comply with the provisions of this Chapter and by all rules and regulations adopted by the Clerk and will pay to the Village and to any such person(s) any and all amounts of money that may become due or owing to the Village or to such person(s) from such obligor under and by virtue of the provisions of this Chapter or any rules adopted by the Clerk pursuant to this Chapter during the time such bond is in effect.

If the Clerk is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop as required by Subsection (5) hereof, the Clerk may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant, that the accountant has reviewed the books and records of the applicant, and that the applicant meets the net assets requirement of this Section.

- G. *Exemption From Requirement For New Pawnshop License.* No person who is lawfully operating a pawnshop on August 28, 1990 shall be required to obtain a license under this Chapter in order to continue operating such pawnshop, so long as such person does not violate any other provisions of Sections 367.011 to 367.060, RSMo., or this Chapter. Such persons may continue to operate those pawnshops then in existence, but thereafter must receive annual renewal licenses even though the operation of such pawnshop might cause the number of pawnbrokers in the Village of Riverview to exceed the number determined by operation of Subsection (H) of this Section. Such persons shall be required to pay the five hundred dollar (\$500.00) annual fee prescribed in Subsection (I) of this Section, but such payment shall be in lieu of any occupational license fee.
- H. *Limitation On Number Of Pawnbrokers In The Village Of Riverview.* Subject to the provisions of Subsection (G) of this Section, no license for engaging in the business of pawnbroker shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at that time to more than one (1) per each five thousand (5,000) inhabitants residing in the Village of Riverview, Missouri.
- I. *Subsequent License Applications.* Subsequent to the first (1st) year for which a license is issued to a pawnbroker, each pawnbroker shall make a renewal application to the Clerk. The application shall be filed by December first (1st) of the current licensing year and shall be on the forms and shall contain such information as the Clerk may require. The forms shall contain such information as will assist the Clerk in determining whether conditions have changed and whether a renewal license should be issued for the subsequent licensing year. The Clerk may request the assistance of the Chief of Police or any other Village employee or person having knowledge of the truth or falsity of the matters contained in the application, or who is able to investigate those matters. The annual fee for the issuance of a renewal license is five hundred dollars (\$500.00).
- J. *Suspension Or Revocation Of License.*
1. If the Clerk believes that any condition has changed such that the licensee would not be eligible to receive a pawnbroker's license, or that the licensee is in violation of this Chapter or any State or municipal law, the Clerk may suspend the license.
 2. If the Clerk believes that the licensee is capable of remedying the adverse change in conditions, and if the licensee has not previously been in violation of this Chapter or State or municipal law, the Clerk may suspend the license. If the Clerk believes that the changed condition(s) are such that, if true, the licensee would not be able to remedy the situation in a reasonable time, or if the licensee has previously been in violation of this Chapter or State or municipal law, then the Clerk may revoke the license.
 3. If the Clerk believes that the safety, morals or peace of residents of the Village of Riverview, Missouri, is immediately affected by the change in conditions, the Clerk may suspend or revoke the license prior to a hearing, but he/she shall afford the licensee a hearing within five (5) days of the suspension or revocation if the licensee desires such a hearing. If the Clerk believes that the changed condition is not of such imminent hazard to the safety, morals or peace of the

residents of the Village of Riverview, he/she may hold a hearing prior to taking any action. He/she shall give the licensee at least ten (10) days' notice of said hearing.

4. Any party aggrieved by a decision of the Clerk may appeal to the Circuit Court of St. Louis County in accordance with the provisions of Chapter 536, RSMo.

K. *Issuance Of Pawnshop Licenses Prohibited—When.*

1. No license shall be issued for the operation of a pawnshop as defined within this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of any church, synagogue, school or residentially-zoned property.
2. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of property on which there is located another pawnshop.
3. No license shall be issued for the operation of a pawnshop as defined in this Chapter wherein said pawnshop will be located within one thousand (1,000) feet of the property line of any residence, unless the licensee shall provide to the Clerk written authorization for such operation from the owner of record of such property and each adult resident thereof.
4. No license shall be issued unless the pawnbroker has obtained a special or conditional use permit as may be required by the Village's Zoning Code. (R.O. 2006 §635.020; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.030: RECORD REQUIREMENTS OF PAWNSHOP OPERATIONS

- A. *Pawn Number.* The pawnbroker shall affix to each item of tangible personal property a tag upon which shall be inscribed a pawn number of legible characters which shall correspond to the number on any pawn ticket or receipt for payment.
- B. *Pawn Ticket For Pledged Property, Contents, Loss Of, Effect.* At the time of making the secured personal credit loan, the lender shall execute and deliver to the borrower a pawn ticket for, and describing, the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
 1. The name and address of the pawnshop;
 2. The name and address of the pledgor, date of birth, height, weight, sex, race or nationality and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
 3. The date of the transaction;
 4. An identification and description of the pledged goods, including, but not limited to, serial numbers, if reasonably available, and an estimated value of each item pledged;
 5. The amount of cash advanced or credit extended to the pledgor;

6. The amount of the pawn service charged;
 7. The total amount which must be paid to redeem the pledged goods on the maturity date;
 8. The maturity date of the pawn transaction;
 9. A statement to the effect that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan; and
 10. A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty (60) days after the specified maturity date.
- C. *Employee Registration.* Every employee of a pawnshop shall, within thirty (30) days from the issuance of any license, register his/her name and address with the Police Department of the Village and shall have had his/her thumbprints, fingerprints and photograph taken and filed with the Village, and such employee shall receive a certificate showing compliance therewith, except that employees registered with the Village need not register a second (2nd) time. The term "*employee*" means all persons working in a pawnshop, including any owner, any officer, clerk or stockholder if the owner is a corporation, any partner or any other person who receives income in any manner from engaging in the operation of said pawnshop.
- D. *Affidavit Of Lost Ticket.* If a pawn ticket is lost, destroyed or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed or stolen. The affidavit shall be signed by a notary public appointed by the Secretary of State pursuant to Section 486.205, RSMo., to perform notarial acts in this State.
- E. *Receipt For Payment To Be Furnished.* Upon any payment by a pledgor, or upon the redemption of any pledge, the pawnbroker shall furnish to the pledgor a written signed receipt indicating the exact amount paid on principal, interest and any other charges. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, shall include the date of payment and shall be legibly written so that the figures thereon are clearly discernible.
- F. *Pawn Register.* Each pawnbroker shall keep a register of all items pawned at each pawnshop, which register shall contain the information listed in Subsections (A) and (B) of this Section. This record shall be kept in a bound book, or in a continuous sheet of paper or tape, handwritten in ink or typed using a ribbon other than carbon, so that it will be obvious if any entry has been erased, obliterated or defaced. Such information may be made on cards, individual sheets or order pads if each sheet or card is numbered, so that if an entry is removed it will be obvious.
- G. *Daily Reports.* Each pawnbroker must, before the hour of 6:00 P.M. of every day, except Sunday and days the pawnbroker is closed all day, make and deliver to the Chief of Police, at the Police station, a full, true and detailed copy of that day's pawn register. If no article or thing has been pawned or received during said day, a report must be made to that effect.

H. *Photographic Records.*

1. All pawnbrokers shall install a proper camera in operative condition and shall use such equipment to photograph every person and the receipts of pawn shop tickets given to such persons with all loans and with all purchases of items from persons.
2. All pawnbrokers shall display, in a prominent place, a notice to customers that they are required to be photographed when they pawn, sell, or offer as a part or full payment, any item to the pawnbroker.
3. All such photographs shall be available for development, and developed by the pawnbroker, upon request by the Chief of Police.

- I. *Retention And Use Of Records.* Each licensee shall keep and maintain the originals of the foregoing records, or an original copy as may be appropriate, for a period of at least two (2) years from the date of the last transaction recorded therein, and each such record shall at all reasonable times be open to inspection by the Chief of Police or at his/her direction. (R.O. 2006 §635.030; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.040: OPERATIONAL REGULATIONS

- A. *Interest Rates.* It shall be unlawful for any pawnbroker to charge interest exceeding two percent (2%) on any pledge. All pawnbrokers shall display, in a prominent place, a notice to customers that the maximum legal interest rate may not exceed two percent (2%) per month on the amount of any loan.

B. *Safekeeping Of Pledges.*

1. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him/her and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire or loss by theft. A pawnbroker shall not fail to exercise reasonable care to protect pledged goods from loss or damage.
2. In the event such pledged goods are lost or damaged as a result of a pawnbroker's negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise. Pawnbrokers shall not be responsible for loss of pledged articles due to acts of God, acts of war or riots. Each lender shall employ a reputable company for the purpose of fire and theft security.

C. *Loans Due, When—Return Of Collateral, When—Restrictions.*

1. Every secured personal credit loan shall be due and payable in lump sum thirty (30) days after the date of the loan contract, or if extended, thirty (30) days after the date of the last preceding extension of the loan, and if not so paid when due, it shall, on the next day following, be in default. The pawnbroker shall retain possession of the tangible personal property subjected to the security interest to secure payment of any secured personal credit loan for a period of sixty (60) days next following the date of default. If during the period of sixty (60) days the pledgor shall pay to the pawnbroker the principal sum of the loan, with the loan fee(s), and the interest

due thereon to the date of payment, the pawnbroker shall thereupon deliver possession of the tangible property to the pledgor. But if the pledgor fails during the period of sixty (60) days to make payment, then the title to the tangible personal property shall, on the day following the expiration of the period of sixty (60) days, pass to the pawnbroker, without foreclosure, and the right of redemption by the pledgor shall be forever barred.

2. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction.
3. Any person properly identifying himself/herself and presenting a pawn ticket to the pawnbroker shall be presumed to be entitled to redeem the pledged goods described therein.

D. *Hold Orders.*

1. Whenever any Peace Officer has probable cause to believe that property in possession of a pawnbroker licensed by the Village of Riverview is stolen or embezzled, said officer may place a written hold order on the property. A hold order required by this Section shall contain the following:
 - a. Name of the pawnbroker;
 - b. Name, title and identification number of the Peace Officer placing the hold order;
 - c. Name and address of the agency to which the Peace Officer is attached and the offense number;
 - d. Complete description of the property to be held, including model number, serial number and transaction number;
 - e. Name of the agency reporting the property to be stolen or embezzled; and
 - f. Mailing address of the pawnshop where the property is held.
2. The pawnbroker or his/her designee shall sign and date a copy of the hold order as evidence of its receipt.
3. While the hold order is in effect, the pawnbroker may consent to release, upon written receipt, the stolen or embezzled property to the custody of the Law Enforcement Agency to which the Peace Officer placing the hold order is attached. Such consent shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property.
4. Except as provided in Subsection (3) of this Section, the pawnbroker shall not release or dispose of the property except pursuant to a court order or the termination or expiration date, if any, of the hold order.
5. In the event criminal charges have been filed in any Missouri court involving property which is in the possession of a pawnbroker licensed by the Village of Riverview and which may be needed as evidence, the appropriate Prosecuting Attorney's officer may place a written hold order on the property. Such order shall contain the case number, the style of the case and a description of the property. The pawnbroker shall hold such property until receiving notice of

the disposition of the case from the Prosecuting Attorney's office. The Prosecuting Attorney's office shall notify the pawnbroker in writing within fifteen (15) days of the disposition of the case.

6. Willful non-compliance by a pawnbroker with a written hold order shall be cause for the pawnbroker's license to be suspended or revoked. A hold order may be terminated at any time by written release from the Law Enforcement Agency or Prosecuting Attorney placing the initial hold order.

E. *Lost, Stolen Or Encumbered Property—Police Cooperation.*

1. Each pawnbroker shall notify the Police of any article pledged, or attempted to be pledged, if the pawnbroker has reason to believe that said article was stolen or lost.
2. A pawnbroker shall have no recourse when a customer has pledged goods for the receipt of money except the pledged goods themselves, unless the pledged goods are found to be stolen, lost, mortgaged or otherwise pledged or encumbered. When a customer is notified by a Peace Officer that the goods he/she pledged or sold to a pawnbroker were stolen, lost, mortgaged or otherwise pledged or encumbered, the customer shall be liable to repay the pawnbroker the full amount the customer received from the pawn or buy transaction. A pawnbroker shall not charge any fee relating to the restoration of such property to its rightful owner.
3. Every pawnbroker shall give the Chief of Police notice of all pawned goods to be shipped out of town, which notice shall state the name of the pledgee and the destination and date of shipment. Such goods shall not be shipped for at least seven (7) days after delivery of the copy of the register to the Chief of Police.
4. Every pawnbroker shall, upon request, show and exhibit to any Peace Officer any article purchased, taken or received by the pawnbroker if the item is still in the possession of the pawnbroker.

F. *Miscellaneous Regulations.*

1. *Pawnshop not to be used as a residence.* No pawnbroker or member of the pawnbroker's family, or employee, or any other person shall be permitted to live in a pawnshop or in rooms connecting therewith.
2. *Hours of operation.* No pawn shop shall be open for business or receive as pawned, pledged or purchased, or upon any condition whatsoever, any article of personal property or other valuable thing between the hours of 8:00 P.M. on any day and 7:00 A.M. on the following day.
3. *Keeping items seven days.* No pawnbroker shall destroy, melt down, dispose of, sell or deliver to any other person any item of tangible personal property until seven (7) days have passed from the date the item was received.
4. *Dealing in weapons prohibited, when.* No pawnbroker shall receive as security or otherwise conduct any transaction involving any kind of firearm, revolver, pistol, rifle, Bowie knife, spring back knife, razor, metal knuckles, billy, sword, cane, dirk, dagger or other similar weapon, unless said pawnbroker is otherwise licensed by applicable State and Federal law to purchase and sell such weapons.

5. *Secondhand goods.* A pawnbroker shall not purchase or take in trade used or secondhand personal property unless a record is established that contains:
 - a. The name, address, physical description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the seller;
 - b. A complete description of the property, including the serial number, if reasonably available, or other identifying characteristic; and
 - c. A signed document from the seller providing that the seller has the right to sell the property.
6. *Additional restrictions.* A pawnbroker shall not:
 - a. Accept a pledge from a person who is under eighteen (18) years of age;
 - b. Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction;
 - c. Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor under this Chapter or other law; or
 - d. Fail to return pledged goods to a pledgor or upon payment of the full amount due the pawnbroker on the pawn transaction. (R.O. 2006 §635.040; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.050: ENACTMENT OF RULES AND REGULATIONS

The Clerk may issue such rules and regulations as he/she deems necessary to implement this Chapter and the policies contained herein. (R.O. 2006 §635.050; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.060: INCONSISTENT PROVISIONS

It is the intention of the Board of Trustees that this Chapter shall be read in harmony with all other ordinances of the Village of Riverview, and that same shall be so construed, interpreted, administered and applied as to reconcile any differences. To the extent that any such ordinances are determined to be irreconcilable with the provisions of this Chapter, but only to that extent, the provisions of this Chapter shall be deemed to have superseded the conflicting provisions. (R.O. 2006 §635.060; Ord. No. 96-03 §1, 3-28-96)

SECTION 615.070: PENALTY

Any person operating a pawnshop without a license or otherwise in violation of the standards and requirements provided herein shall be guilty of a violation of this Chapter and, upon conviction thereof, shall be punished as provided in Section 100.090 of the Municipal Code. (R.O. 2006 §635.070; Ord. No. 96-03 §1, 3-28-96)

CHAPTER 620: AMUSEMENT CENTERS

SECTION 620.010: CITATION OF CHAPTER

This Chapter shall be known and cited as the "Amusement Center Code". (R.O. 2006 §620.010; Ord. 102, Bill 383, CC §56.010)

SECTION 620.020: DEFINITIONS

As used in this Chapter, words shall be defined as follows:

AMUSEMENT CENTER: Any establishment which provides six (6) or more mechanical amusement devices for use or operation by the public.

MECHANICAL AMUSEMENT DEVICE: Any machine or device which may be operated by the public generally for use as a game, entertainment or amusement of any kind or description whatever; provided however, that the term shall not include a juke box or similar machine primarily for the playing of music; provided further, that the term shall not include vending machines.

PERSON: Any individual, co-partnership, firm, association, company, corporation or combination of individuals of whatever form or character. (R.O. 2006 §620.020; Ord. 102, Bill 383, CC §56.020)

SECTION 620.030: LICENSE REQUIRED

It shall be unlawful for any person to operate, or to permit to be operated, on any premises in the Village an amusement center without first securing a license duly issued by the Collector as set forth herein. (R.O. 2006 §620.030; Ord. 102, Bill 383, CC §56.030)

SECTION 620.040: REQUIREMENTS FOR LICENSE—TERM

- A. An application for the operation of an amusement center in the Village shall be obtained from the Collector.
- B. Each such application shall be verified and shall contain the name of the proposed operator (if a partnership, the names of all partners, and if a corporation, the names of all officers and stockholders), the proposed location of the amusement center, and the number and types of machines to be provided. Such application shall be accompanied by accurately scaled and fully dimensioned plans of the premises showing the proposed location of the machines.
- C. Each such application shall be accompanied by an application fee of thirty-five dollars (\$35.00) for each proposed machine, no part of which shall be returnable.
- D. Each such application shall be referred by the Collector to the Police Department, which shall investigate the character and fitness of the proposed operator as well as any other persons listed as having an interest in the proposed license. The Police Department shall, within thirty (30) days, file written reports with the Collector.

- E. Such license shall be issued by the Collector, unless he/she finds one (1) or more of the following:
1. Intentional misstatements or misleading statements of fact in the application;
 2. The proposed operation would not comply with all applicable Village ordinances;
 3. Any parties interested in the proposed business have been convicted of any violation of Statute or ordinance involving moral turpitude or have previously had a business license suspended or revoked. Provided that if the Collector shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation has been such as to indicate fitness to operate a business, and that permitting such applicant to conduct such an operation would not be contrary to the public interest, he/she may issue said license;
 4. Failure to pay the required application fee.
- F. The term of said license shall be for one (1) year from the date of issuance and may be renewed as provided herein.
- G. Each applicant shall be notified by mail or by hand delivery of the issuance or non-issuance of a license by the Collector.
- H. If the Collector does not issue a license, the reasons for his/her not doing so shall be in writing and shall accompany the notice of non-issuance.
- I. The Collector's determination of non-issuance may be appealed under the provisions of Chapter 536, RSMo. (R.O. 2006 §620.040; Ord. 102, Bill 383, CC §56.040)

SECTION 620.050: RENEWAL—PROCEDURE

- A. Within thirty (30) days of the expiration of the license, a licensee may apply to the Collector for renewal thereof, on such applications as shall be provided by the Collector.
- B. Renewal applications shall contain the name, address and license number of the licensee's operation, and further, licensee shall indicate any change from the information furnished to the Collector at the time of the original application.
- C. An application for renewal shall be accompanied by a renewal application fee as established by Section 600.110.
- D. The Collector shall renew said license if he/she shall find that said operation shall have been conducted in accordance with all applicable laws and ordinances.
- E. If the Collector does not renew said license, the procedure set forth in Section 620.060 herein shall be followed. (R.O. 2006 §620.050; Ord. 102, Bill 383, CC §56.050)

SECTION 620.060: SUSPENSION OR REVOCATION OF LICENSE

- A. Any amusement center's license issued under this Chapter shall be subject to suspension for up to ninety (90) days or revocation by the Collector for violation of any provision of this Code or for

any grounds that would warrant the denial of the issuance of such license in the first (1st) instance. Any of the following shall be considered sufficient cause for revocation; provided however, that these grounds shall not be deemed exclusive:

1. Intentional misstatement or misleading statements of fact in the application, not discovered until after the issuance of the license;
 2. Permitting such conduct as would constitute a violation of this Chapter.
- B. The licensee shall be entitled to a hearing before the Collector prior to the revocation or suspension of any license under this Chapter. At such hearing evidence will be received for the purpose of determining whether or not such license shall be suspended or revoked or whether the license may be retained.
- C. The licensee shall be notified by certified mail or hand delivery of the decision of the Collector. Said decision shall be accompanied by findings of fact and conclusions of law.
- D. An appeal may be taken by any aggrieved party to the Circuit Court of St. Louis County in accordance with the provisions of Chapter 536, RSMo. (R.O. 2006 §620.060; Ord. 102, Bill 383, CC §56.060)

SECTION 620.070: MISCELLANEOUS REGULATIONS—CONDUCT PROHIBITED

- A. No person under the age of fourteen (14) years shall be permitted on the premises of any amusement center unless accompanied by his/her parent or legal guardian. No person between the ages of fourteen (14) years and sixteen (16) years shall be permitted on the premises without having on his/her person an identification card issued by the operator containing his/her name, age, home address and telephone number. No such identification card shall be issued by the operator unless he/she has received the written permission of the parent or legal guardian. The operator shall maintain a permanent record of the names of the parents or legal guardians who have granted such permission and the names of the persons for whom they have granted such permission. Such record shall be available for inspection at all times by the Collector and the Police Department.
- B. No alcoholic beverages or non-intoxicating beer or drugs shall be permitted on the premises of an amusement center.
- C. No firearms shall be permitted on the premises of any amusement center.
- D. At least one (1) supervisor of at least eighteen (18) years of age, employed by the operator, shall be on duty at all times and be present on the premises of any amusement center.
- E. Any amusement center may not operate between the hours of 10:55 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when they may not operate between the hours of 11:55 P.M. to 6:00 A.M. the next day. (R.O. 2006 §620.070; Ord. 102, Bill 383, CC §56.070)

CHAPTER 625: VIDEO SERVICE PROVIDERS

ARTICLE I. VIDEO SERVICE PROVIDERS—GENERALLY

SECTION 625.010: VIDEO SERVICE PROVIDERS—GENERALLY

- A. *Definitions.* The words and phrases used in this Section of this Chapter shall have the meaning as set forth in Section 67.2677, RSMo., or, if not defined therein, shall have such meanings as established by Village Code.
- B. *Franchise Fee.* Pursuant to Section 67.2689, RSMo., and as partial compensation for use of the Village's public rights-of-way, each video service provider or other person providing cable services or video services within the Village shall, to the extent permitted by law, pay to the Village a fee of five percent (5%) of the gross revenues from such video service provided in the geographic area of the Village. Such payment shall be made as required by Section 67.2689, RSMo. The Village shall have the right to audit any video service provider as authorized by Section 67.2691, RSMo. Late payments shall accrue interest due to the Village compounded monthly at one and one-half percent (1.5%) or such other maximum rate as may be established by law.
- C. *Customer Service Requirements.* All video service providers providing service within the Village shall adopt and comply with the minimum customer service requirements set forth in Section 67.2692, RSMo. Notice or receipt of this Article by a video service provider shall be deemed notice of the Village invoking such customer service requirements.
- D. *Rights-Of-Way Regulation, Indemnification, Permits And Compliance With Other Laws.* Video service providers shall comply with the requirements of Sections 67.2707, 67.2709, RSMo., and all applicable ordinances and regulations consistent with Sections 67.1830 to 67.1846, RSMo., relating to use of the Village's rights-of-way. Each video service provider shall indemnify and hold harmless the Village and its officers, employees and agents from any loss or damage, including, but not limited to, attorneys' fees, as provided in such ordinances or regulations, but in no event less than the obligation on video service providers set forth in Section 67.2695, RSMo. The Village may require documentation of such indemnification by written agreement or other instrument to the extent permitted by law. In addition, video service providers shall be subject to and comply with such supplementary provisions relating to placement, screening and location of facilities as provided in Section 625.020 of this Chapter and such other applicable laws of the Village, except as may be otherwise validly pre-empted. Notwithstanding any other ordinance to the contrary, no facilities to be used for video services shall be installed without obtaining a permit from the Village authorizing the location and plans for such facilities; provided that this provision shall not apply to installation of otherwise lawful and authorized poles or wires.
- E. *Public, Educational And Governmental Channels.* Each video service provider shall designate a number of channels for public, educational and governmental programming consistent with Section 67.2703, RSMo.; provided that any greater number of channels, as may be required in the incumbent cable franchise or franchise ordinance, shall be required pursuant to Section 67.2703.2, RSMo. The Village shall bear no cost relating to the transmission, availability or maintenance of such channels unless expressly authorized by the Village in writing and approved by the Board of Trustees. Incumbent cable operators and other video service providers shall provide support for such public, educational and governmental channels consistent with Section 67.2703.8, RSMo.

- F. *Continued Obligations.* The obligations of a cable service provider or video service provider as set forth in any existing cable services or video services franchise or ordinance shall also continue to apply to the fullest extent permitted by applicable law.
- G. *Reservation Of Rights.* The Village retains all rights in Sections 67.2675 through 67.2714, RSMo., inclusive, and may take any and all actions permitted by law to exercise such rights or to enforce such obligations on providers of video services.
- H. *Notice.* A copy of this Section shall be delivered to each cable and video service provider operating in the Village after notice to the Village that such provider is authorized to provide service within the Village; provided that the provisions of this Section shall, to the extent permitted by law, not be affected by any claimed or actual failure of a service provider to have received delivery of a copy of this Section. (Ord. No. 07-19 §1, 11-29-07)

ARTICLE II. ACCESSORY UTILITY FACILITIES

SECTION 625.020: ACCESSORY UTILITY FACILITIES

Every public utility, cable company, video service provider and other users of the Village rights-of-way or easements to provide services shall comply with the regulations in this Section regarding the placement of accessory utility facilities on public or private property

For purposes of this Section, "*accessory utility facilities*" (or "*facilities*") shall mean such facilities, including pedestals, boxes, vaults, cabinets or other ground-mounted or below-ground facilities, including associated conduits, cables and/or lines, that directly serve the local area or property in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area and otherwise are customarily found in such areas.

Any construction, erection, installation and/or placement of accessory utility facilities within the Village shall be subject to the following regulations:

1. *Approval, design, location and application.* The design, location and nature of all accessory utility facilities on private or public property shall require approval of the Village, which approval shall be considered in a non-discriminatory manner, in conformance with this Section and subject to reasonable permit conditions as may be necessary to meet the requirements of this Section. To that end, prior to any construction, excavation or other work on any accessory utility facility, the facility owner shall make application to the Village and attach detailed plans for the Village's review and approval. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein.

In considering individual or multiple location applications, the Village shall review the request to ensure the proposed facilities do not impair public safety, harm property values or significant sight lines or degrade the aesthetics of the adjoining properties or neighborhood, considering all reasonable alternatives. Unless otherwise prohibited, utility facilities subject to this Subsection may be located in minimum setback areas provided that all other requirements are met. To the extent permitted by Section 67.2707.3, RSMo., the time, method, manner or

location of facilities to be located in the rights-of-way may be established or conditioned by the Village to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the Village to reimburse the Village for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law.

2. *General regulations.* The following general regulations apply to all accessory utility facilities:
 - a. *Underground.* All such facilities shall be placed underground, except as otherwise provided in Subsections (3) and (4) herein or as approved by the Board of Trustees pursuant an ordinance granting a waiver of this requirement and issuing a special accessory facilities permit.
 - b. *Noise.* All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
 - c. *Abandoned boxes.* All facilities and utility boxes shall be deemed abandoned after six (6) continuous months of non-use and shall therefore be removed within thirty (30) days thereafter at the cost of the utility.
 - d. *Utility poles.* Unless otherwise restricted, utility poles for authorized above ground lines or facilities shall be permitted up to forty-five (45) feet in height where utilities are not otherwise required to be placed underground; provided that such poles shall be no higher than necessary, maintained so as to avoid leaning from upright position and without use of guy wires crossing rights-of-way or pedestrian routes except where approved by the Village as necessary due to the lack of feasible alternatives.
 - e. *Historic areas.* Utility facilities placed in any designated historic areas may be subject to additional requirements regarding the placement and appearance of facilities as may be necessary to reasonably avoid or reduce any negative impact of such placement.
 - f. *Damage.* Any damage to landscaping or vegetation on private or public property during installation or maintenance of facilities shall be promptly remedied by the facility owner. The facility owner shall replace all plantings damaged by the work with like plantings and shall replace all damaged grass areas with sod of the same type of grass as was damaged.
 - g. *Private property, notice.* At least forty-eight (48) hours prior to any installation, replacement or expansion of any facility located on private property, the facility owner shall provide notice to the Village and all property owners within one hundred eighty-five (185) feet from the site. Notice shall include a detailed description of the work to be done, the exact location of the work and the time and duration when it will be undertaken.
 - h. *No interference.* No facilities may be located so as to interfere or be likely to interfere with any public facilities or use of public property.
 - i. *Other facilities.* All utility facilities not authorized under this Subsection or specifically addressed elsewhere in this Code shall be authorized only by the Board of Trustees pursuant an ordinance granting a special accessory facilities permit for such facilities.
3. *Residential areas.* In residential districts and rights-of-way adjacent thereto, accessory utility facilities less than three (3) feet in height and covering less than six (6) square feet in area may

be installed above ground with the prior approval of the Village. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by a special accessory facilities permit authorized by the Board of Trustees by ordinance. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the Village upon a determination that all other alternatives are not feasible.

4. *Non-residential areas.* In non-residential districts and rights-of-way adjacent thereto, accessory utility facilities with a height of less than five (5) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the Village. Except as otherwise may be authorized herein, any larger utility facility shall be installed underground or authorized to be installed above ground only by special accessory facilities permit after a hearing before the Board of Trustees. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the Village upon a determination that all other alternatives are not feasible.
5. *Landscape screening.* A sightproof landscape screen shall be provided for all authorized above ground facilities in excess of two (2) square feet in size. Such screen shall be required to sufficiently conceal the facility. A landscape plan identifying the size and species of landscaping materials shall be submitted by the utility and approved by the Village prior to installation of any facility requiring landscape screening. The utility shall be responsible for the installation, repair or replacement of screening materials. Alternative screening or concealment may be approved by the Village to the extent it meets or exceeds the purposes of these requirements. Facilities located in the rear yards may be exempted from screening where located so as not to be visible from (1) any public property and (2) more than two (2) residential dwelling units.
6. *Compliance with other laws.* All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the Code including, but not limited to, building codes, zoning requirements and rights-of-way management regulations in addition to the regulations herein. The provisions of this Section shall not apply to any circumstance or entity in which application under such circumstances is pre-empted or otherwise precluded by superseding law. (Ord. No. 07-19 §2, 11-29-07)

PREVIOUS VILLAGE CODE CROSS REFERENCE

This reference is provided merely to help with the transition from the old numbering system to the new numbering system and will not be updated or changed in the future.

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117.040	130.060
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130.050	130.080
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Village Code Cross Reference

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223.020	215.523
223.030	215.525
223.035	215.527
260.010	215.580
260.020	215.585
260.030	215.587
260.040	215.590
260.050	215.593
260.070	215.595
260.060	215.600
223.100	215.675
223.120	215.680
223.123	215.685
223.125	215.690
223.110	215.700
223.040	215.710
223.050	215.715
223.060	215.720
280.040	215.730
275.060	220.015
265.160	220.020
215.080	230.100
215.090	230.110
285.010	235.010
285.015	235.015
285.020	235.020
285.030	235.030
285.040	235.040
285.050	235.050
285.060	235.060
285.070	235.070
285.080	235.080
285.090	235.090
285.100	235.100
290.010	240.010
290.020	240.020
290.030	240.030
290.040	240.040
290.050	240.050
290.060	240.060
290.070	240.070
290.080	240.080
290.130	240.090
290.100	240.100
290.110	240.110
290.120	240.120
290.140	240.130
290.150	240.140
290.160	240.150
290.170	240.160

Village Code Cross Reference

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Section in this Code

290.180	240.170
290.190	240.180
290.200	240.190
295.010	245.010
295.020	245.020
300.100	300.020
305.110	305.060
310.040	310.040
340.300	340.220
340.200	342.060
355.110	355.110
355.120	355.120
223.080	355.130
223.082	355.140
223.090	355.150
223.092	355.160
365.070	365.070
365.080	365.080
370.030	370.025
340.330	375.145
340.331	375.146
340.115	380.110
340.232	385.045
445.010	400.010
445.020	400.020
445.030	400.030
455.010	400.040
455.020	400.050
455.030	400.060
455.040	400.070
455.050	400.080
455.060	400.090
455.070	400.100
455.080	400.110
400.010	405.010
400.020	405.020
400.030	405.030
400.040	405.040
400.050	405.050
405.010	405.110
405.020	405.120
405.030	405.130
405.040	405.140
405.050	405.150
405.060	405.160
405.070	405.170
405.080	405.180
405.090	405.190
405.100	405.200
405.110	405.210

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Section in this Code

405.120	405.220
405.130	405.230
405.140	405.240
405.150	405.250
410.010	405.360
410.020	405.370
410.030	405.380
410.040	405.390
410.050	405.400
410.060	405.410
410.070	405.420
410.080	405.430
410.090	405.440
410.100	405.450
410.110	405.460
410.120	405.470
410.130	405.480
410.140	405.490
410.150	405.500
410.160	405.510
410.170	405.520
410.180	405.530
415.010	405.610
420.010	405.660
425.010	405.710
425.020	405.720
425.030	405.730
425.040	405.740
425.050	405.750
425.060	405.760
425.070	405.770
425.090	405.780
430.010	405.830
430.020	405.840
430.030	405.850
430.040	405.860
435.010	405.910
435.020	405.920
440.010	405.960
440.020	405.970
440.030	405.980
440.040	405.990
440.050	405.1000
440.060	405.1010
440.070	405.1020
450.010	405.1110
460.010	410.010
460.020	410.020
460.030	410.030
460.040	410.040

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Section in this Code

460.050	410.050
460.060	410.060
500.010	500.010
500.030	500.030
500.050	500.050
500.055	500.055
500.070	500.070
500.090	500.090
500.100	500.100
500.110	500.110
500.120	500.120
500.140	500.140
505.010	505.010
505.020	505.020
505.030	505.030
505.040	505.040
505.050	505.050
510.010	510.010
510.020	510.020
510.030	510.030
510.040	510.040
510.050	510.050
510.060	510.060
510.070	510.070
510.080	510.080
510.090	510.090
510.100	510.100
510.110	510.110
510.120	510.120
515.010	515.010
515.020	515.020
515.030	515.030
515.040	515.040
515.050	515.050
515.060	515.060
525.010	520.010
525.020	520.020
525.030	520.030
525.040	520.040
525.050	520.050
525.060	520.060
525.070	520.070
525.080	520.080
525.090	520.090
530.010	525.010
530.020	525.020
535.010	530.010
535.020	530.020
600.020	600.020
600.030	600.030

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600.040	600.040
600.050	600.050
600.060	600.060
600.090	600.070
600.100	600.080
600.110	600.090
600.120	600.100
600.130	600.110
600.140	600.120
600.150	600.130
600.160	600.140
600.180	600.150
600.185	600.160
610.100	605.040
223.140	605.070
625.050	610.040
635.010	615.010
635.020	615.020
635.030	615.030
635.040	615.040
635.050	615.050
635.060	615.060
635.070	615.070
620.010	620.010
620.020	620.020
620.030	620.030
620.040	620.040
620.050	620.050
620.060	620.060
620.070	620.070

VILLAGE OF RIVERVIEW

CROSS REFERENCE

<u>Ordinance</u>	<u>Bill Number</u>	<u>Disposition</u>
31	238 §§1—3	405.010—405.030
	§§4—17	405.110—405.240
	§§19—19.10.14	405.360—405.460
	§§19.11—19.11.2	405.470
	§§19.12—19.14	405.480
	§§19.15—19.15.3	405.490
	§§19.16—19.19	405.500—405.530
	§20	405.610
	§21	405.660
	§22	405.710—405.740
	§23	405.830—405.860
	§24	405.910
	§26	405.960—405.1020
	§27	400.010—400.030
	§28	405.1110
	§29	400.040—400.110
	255	405.1010
	257	405.920
	326 §25	405.920
	336	600.090
	363	405.230, 405.240
	367	405.030
	393	405.750
	417	405.760
102	248	Schs. IV, VI
	249	215.523—215.525,
	260	525.010—525.020
	277	130.090
	281	110.010
	287	120.010, 120.030—120.190, 120.200—120.280
	295	Schs. IV, V
	296	Sch. VII
	297	Sch. VI
	311	110.060
	330	600.110
	345	Sch. VI
	364	Sch. IV
	368	Sch. IV
	383	620.010—620.070
	388	Sch. III

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<u>Ordinance</u>	<u>Bill Number</u>	<u>Disposition</u>
102(cont)	401	305.025, 305.060, 310.040, 365.070
	412	Sch. IV
	415	Sch. IV
	419	Sch. II
	422	220.015, 245.010—245.020
	432	205.040
	444	110.010
	457	235.010, 235.020—235.100
	458	Sch. I
	460	215.265

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10.010—10.060	100.010—100.060
11.010—11.020	100.070
12.010—12.130	105.010—105.130
13.010—13.030	100.090
20.010	100.080
22.010	130.010
22.100—22.170	130.040
22.200—22.210	140.180
24.020—24.030	110.020—110.030
24.050	110.050
24.070—24.090	110.060—110.080
26.010—26.020	130.080
50.590	605.040
50.600	600.100
52.050	610.040
54.020—54.060	600.020—600.060
54.100—54.110	600.070—600.080
54.120—54.140	600.140
54.500	600.100
54.510—54.540	600.110—600.140
54.580	600.080
56.010—56.080	620.010—620.080
60.010	235.010
60.020—60.100	235.020—235.100
62.710—62.720	245.010—245.020
62.810	220.015
64.040	215.730
66.010—66.040	215.710—215.730
67.010—67.030	520.070—520.090
69.010—69.060	520.010—520.060
70.500—70.510	230.100—230.110
71.400—71.450	205.010—205.060
71.600—71.670	210.010—210.080

Cross Reference

<u>Ordinance</u>	<u>Village Code Section</u>	<u>Disposition</u>
	72.010	120.010
	72.030—72.190	120.030—120.190
	72.200—72.280	120.200—120.280
	73.010—73.080	240.010—240.080
	73.100—73.120	240.100—240.120
	73.130	240.090
	73.140—73.180	240.130—240.170
	75.130	342.060
	75.360	215.265
	75.590—75.600	215.523—215.525
	76.040	370.025
	76.040	370.025
	76.070	Sch. IX
	76.100	Sch. X
	76.110	Sch. VIII
	76.500—76.600	380.110
	77.010—77.050	215.580—215.593
	77.060	215.600
	77.070	215.595
123	348	355.120
124	351 §§1—2	213.010
	§§3—6	213.020
	§§7—8	213.030—213.040
170		215.060, 215.065, 215.073—215.077, 215.107, 215.135, 215.143, 215.147, 215.153, 215.157, 215.290, 215.305, 215.363, 215.367, 215.373, 215.393—215.395, 215.415, 215.487, 215.490, 215.505, 215.515—215.517, Chs. 220, 225, 230, 235, 240, 245 and 250
171	§1	120.060
177	483 Art. I §§1—5	410.010
	Art. II §§1—2	410.020
	Art. III §§1—2	410.030
	Art. IV §§1—4	410.040
	Art. V. §§1—2	410.050
	Art. VI §1	410.060

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
178	Superseded/92-14		
179	N.G.A.		
89-1	3-20-89	1—8	Adopt. Ord.
89-2	Superseded		
89-3	Superseded		
89-4	N.G.A.		
89-5	4-27-89	1—2	Sch. IV
89-6	5-15-89	1	235.090
89-7	5-15-89	25	500.010
89-8	5-15-89	20	500.030
89-9	5-15-89	4	500.050
89-10	5-15-89	15	500.070
89-11	N.G.A.		
89-12	N.G.A.		
89-13	N.G.A.		
89-14	N.G.A.		
89-15	Superseded		
89-16	7-17-89	1	215.025, 215.043—215.045
89-17	N.G.A.		
89-18	Superseded/04-07		
89-19	Superseded/04-07		
89-20	8-21-89	1—2	Sch. I
89-21	8-21-89	1—2	Sch. IV
89-22	Superseded		
89-23	9-18-89	2	Sch. III
89-24	9-18-89	2	Sch. IV
89-25	N.G.A.		
89-26	11-20-89	1	235.030
89-27	Repealed/98-20		
89-28	Did Not Pass		
90-1	1-15-90	1	405.150
		2	405.160
90-2	1-15-90	3	405.230
		4	405.770
90-3	Superseded		
90-4	N.G.A.		
90-5	N.G.A.		
90-6	2-19-90	1	400.040—400.050
		2	405.920
90-7	N.G.A.		
90-8	N.G.A.		
90-9	N.G.A.		
90-10	N.G.A.		
90-11	N.G.A.		
90-12	Superseded		
90-13	8-20-90	1—2	520.090

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
90-14	N.G.A.		
90-15	Superseded/04-07		
90-16	Superseded		
90-17	10-15-90	2	600.150
90-18	Superseded		
90-19	11-19-90	1	405.030
		2	405.220
90-20	Superseded		
90-21	11-19-90	1	120.250
90-22	12-17-90	1—2	500.010
90-23	Superseded		
90-24	Superseded		
90-25	12-17-90	2	600.020
91-1	12-18-90	2	215.237
91-2	3-18-91	2	205.010—205.030
91-3	Superseded		
91-4	N.G.A.		
91-5	Repealed/00-35		
91-6	5-20-91	1—2	120.260
91-7	N.G.A.		
91-8	N.G.A.		
91-9	N.G.A.		
91-10	Superseded		
91-11	N.G.A.		
91-12	N.G.A.		
91-13	N.G.A.		
91-14	6-17-91	2	355.130
91-15	Repealed/92-07		
91-16	N.G.A.		
91-17	8-19-91	1	600.030—600.040
91-18	Repealed/92-30		
91-19	Repealed/99-21		
91-20	Superseded		
91-21	N.G.A.		
91-22	N.G.A.		
91-23	Repealed/94-10		
91-24	N.G.A.		
91-25	11-18-91	1	355.150
91-26	Repealed/92-12		
91-27	12-16-91	1	405.780
91-28	Repealed/93-11		
91-29	Repealed/92-05		
91-30	N.G.A.		
91-31	N.G.A.		
91-32	Repealed/92-04		
91-33	Superseded		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
92-01	1-20-92	2	Sch. IV
92-02	Repealed/93-7		
92-03	Repealed/92-10		
92-04	1-20-92	1	405.1010
92-05	Did not pass		
92-06	Repealed/92-13		
92-07	1-20-92	3	Sch. II
92-08	2-17-92	2	405.920
92-09	Repealed/93-15		
92-10	3-16-92	1	405.1010
92-11	3-16-92	1	405.1010
92-12	4-20-92	1	530.010
92-13	4-20-92	1	405.1010
92-14	Superseded		
92-15	N.G.A.		
92-16	Superseded		
92-17	6-15-92	2	Sch. II
92-18	N.G.A.		
92-19	Superseded		
92-20	Superseded		
92-21	Superseded		
92-22	7-20-92	1	342.060
92-23	Superseded		
92-24	Superseded		
92-25	Superseded		
92-26	8-17-92	1—2	205.010—205.020
92-27	Repealed/92-28		
92-28	N.G.A.		
92-29	Repealed/92-30		
92-30	10-19-92	1	205.040
92-31	10-19-92	3	Sch. IV
92-32	12-21-92	1	400.060
92-33	12-21-92	1	500.010
93-01	N.G.A.		
93-02	2-15-93	1	215.675
93-03	Bill No. 607 2-15-93	1	515.010—515.060
93-04	2-15-93	1	100.090(A)
93-05	N.G.A.		
93-06	3-15-93	1	120.240
93-07	4-19-93	2	Sch. IV
93-08	4-29-93	1	110.010
93-09	N.G.A.		
93-10	N.G.A.		
93-11	Superseded		
93-12	N.G.A.		
93-13	N.G.A.		

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
93-14	5-27-93	1	240.180
93-15	6-24-93	1	110.080
93-16	Superseded		
93-17	N.G.A.		
93-18	Superseded		
93-19	N.G.A.		
93-20	8-26-93	3	500.090—500.100
93-21	9-23-93	2	400.060
93-22	9-23-93	1	120.260
93-23	Superseded		
93-24	N.G.A.		
93-25	Superseded		
93-26	Superseded		
93-27	Superseded		
93-28	N.G.A.		
93-29	Superseded		
93-30	Superseded		
93-31	Repealed/98-24		
93-32	Superseded		
93-33	Superseded		
93-34	Superseded		
93-35	Superseded		
93-36	N.G.A.		
93-37	Superseded		
93-38	N.G.A.		
93-39	N.G.A.		
94-01	N.G.A.		
94-02	N.G.A.		
94-03	Superseded		
94-04	N.G.A.		
94-05	2-24-94	1	130.010
		2	130.040
94-06	Superseded		
94-07	3-24-94	1	220.020
94-08	N.G.A.		
94-09	4-28-94	1	215.700
94-10	5-26-94	1	135.010—135.060
94-11	N.G.A.		
94-12	N.G.A.		
94-13	5-26-94	1	215.237
94-14	N.G.A.		
94-15	N.G.A.		
94-16	Superseded		
94-17	N.G.A.		
94-18	N.G.A.		
94-19	7-28-94	1—2	530.020

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
94-20	N.G.A.		
94-21	Superseded		
94-22	9-22-94	1	202.010—202.050
94-23	Repealed/94-31		
94-24	11-17-94	1	600.110
94-25	11-17-94	4	500.110, 500.130
94-26	N.G.A.		
94-27	12-28-94	1	500.120
94-28	12-28-94	1	500.120
94-29	12-28-94	1	530.020
94-30	Superseded		
94-31	N.G.A.		
95-01	1-26-95	1	410.030
95-02	N.G.A.		
95-03	N.G.A.		
95-04	2-24-95	1	500.010
95-05	5-4-95	1—2	120.260
95-06	Superseded		
95-07	5-25-95	4	500.050
95-08	Superseded		
95-09	N.G.A.		
95-10	N.G.A.		
95-11	6-29-95	1—2	Sch. II
95-12	N.G.A.		
95-13	N.G.A.		
95-14	8-1-95	1	Sch. V
95-15	8-1-95	1	500.070
95-18	8-30-95	1	500.120
95-19	8-31-95	1	500.120
95-20	N.G.A.		
95-21	Superseded		
95-24	Superseded		
95-25	10-3-95	1	120.260
96-02	Superseded		
96-03	3-28-96	1	615.010—615.070
96-04	4-25-96	1	115.010—115.120
96-05	5-30-96	1	110.040
96-07	5-30-96	2	410.030
96-08	5-30-96	1	530.020
96-10	6-27-96	1	130.020—130.030, 130.050—130.070
96-12	6-27-96	1 2	400.050 405.920
96-13	N.G.A.		
96-14	N.G.A.		
96-18	8-22-96	1	405.1010

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
96-22	9-26-96	1—2	115.130
96-23	9-26-96	1	115.050(B)
96-24	Superseded		
96-26	11-21-96	1	110.080
96-29	12-26-96	1	Sch. I
96-30	12-26-96	1	120.260
96-31	Superseded		
97-02	2-27-97	1	405.770
97-03	2-27-97	1	405.920
97-04	2-27-97	4	235.015
97-08	4-24-97	1	400.040
97-10	4-24-97	1	400.010
97-17	Superseded		
97-19	7-24-97	1	215.595
97-21	Superseded		
97-22	7-24-97	2	240.120
97-23	8-28-97	1	205.020
97-25	Superseded		
97-30	Superseded		
97-31	Superseded		
97-33	10-23-97	1	400.090
		2	400.110
97-38	Repealed/98-03		
98-03	Superseded		
98-08	4-23-98	1	115.110(D)
98-09	5-28-98	1	110.010(A)
98-10	5-28-98	1	215.680
98-14	6-25-98	1	Sch. II
		2—3	Sch. VIII
98-17	7-23-98	1	500.120
98-18	7-23-98	1	365.070
		2	365.080
98-20	Superseded		
98-22	10-29-98	1	500.030
98-23	11-19-98	1	405.480
		2	405.530
98-24	Superseded		
99-1	1-28-99	1	215.367
99-4	N.G.A.		
99-6	2-25-99	4	500.050
99-8	Superseded		
99-10	Superseded		
99-11	5-27-99	1	500.140
99-16	7-22-99	1	115.090
99-19	Superseded		
99-20	8-26-99	1	215.145

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
99-21	Superseded		
99-27	9-23-99	1	340.220
99-29	11-18-99	1	115.030
99-30	12-16-99	1	120.260
99-31	12-16-99	1	120.110
99-32	Superseded		
00-04	Superseded		
00-05	Superseded		
00-06	Superseded		
00-07	Superseded		
00-08	5-25-00	1	405.190
00-09	5-25-00	1	405.030
		2	405.250
00-11	Superseded		
00-14	6-22-00	1	300.020
00-15	6-22-00	1	355.110
00-20	7-27-00	1	500.010
00-23	8-24-00	1	600.020
		2	600.140
		3	600.150
		4	600.160
00-31	11-16-00	1	355.160
00-32	11-16-00	1	355.140
00-34	Superseded		
00-35	Superseded		
01-02	1-25-01	1—2	500.055
01-08	3-22-01	1	120.290
01-10	3-22-01	1	100.090
01-12	3-22-01	1—2	115.130
01-13	4-26-01	1	120.290
01-22	6-28-01	1	240.030
		2	240.060
01-23	6-28-01	1	500.120
01-24	6-28-01	1	405.1010
01-25	8-23-01	1—2	115.130
01-28	Superseded		
01-29	11-29-01	1	115.030, 120.100, 120.250, 370.025
01-32	11-29-01	1	120.260
02-01	1-24-02	1	120.300
02-07	3-28-02	4	500.050
02-10	Superseded		
01-12	3-22-01	1—2	115.130
01-25	8-23-01	1—3	115.130
02-15	8-22-02	1	120.260
02-16	Superseded		

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02-18	Superseded		
02-19	Superseded		
03-02	Superseded		
03-03	Superseded		
03-04	Superseded		
03-05	Superseded		
03-06	Superseded		
03-07	3-27-03	1	385.045
03-08	Superseded		
03-09	Superseded		
03-10	Superseded		
03-11	Superseded		
03-12	Superseded		
03-13	4-24-03	1	375.145
03-14	4-24-03	1	375.146
03-15	Superseded		
03-16	4-24-03	1	Sch. XI
03-17	5-22-03	1	135.070
03-23	Superseded		
03-24	6-26-03	1	215.233
03-25	Superseded		
03-26	Superseded		
03-27	N.G.A.		
03-28	Superseded		
03-29	9-25-03	1	530.020
03-30	9-25-03	1	500.120
03-31	9-25-03	1	405.1010
03-32	9-25-03	1—2	605.070
03-33	9-25-03	1—3	215.690
03-34	Superseded		
03-35	Superseded		
03-36	10-23-03	1	405.1110
03-37	N.G.A.		
04-01	N.G.A.		
04-02	N.G.A.		
04-03	Superseded		
04-04	Superseded		
04-05	N.G.A.		
04-06	3-25-04	1—2	215.527
04-07	4-22-04	1—5	505.010—505.050
04-08	N.G.A.		
04-09	N.G.A.		
04-10	N.G.A.		
04-11	Superseded		
04-12	N.G.A.		
04-13	8-26-04	1	130.020

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04-20	N.G.A.		
04-23	Superseded		
05-02	1-27-05	1	Sch. I
2005-06	N.G.A.		
2005-07	N.G.A.		
2005-12	6-23-05	1	215.685
2005-13	6-23-05	1	Sch. IX
05-20	12-22-05	2	310.040
06-04	Superseded		
06-05	2-23-06	1	240.190
06-07	3-23-06	1—3	125.010
06-08	3-23-06	1—3	200.010
06-09	4-27-06	1	500.030
06-10	4-27-06	1	500.070
06-11	4-27-06	1	500.050
06-15	Superseded		
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06-18	Superseded		
06-22	10-26-06	1	505.050
06-24	11-30-06	1	405.1010
06-25	11-30-06	1	600.040
06-26	11-30-06	1	500.120
07-01	2-22-06	1	500.010
07-15	9-27-07	1	405.760
07-18	11-29-07	1	415.010—415.120
07-19	11-29-07	1—2	625.010—625.020
07-20	11-29-07	1	405.1070—405.1105
07-26	11-29-07	1	420.010—420.100
08-18	2-28-08	1	530.030
08-20	3-27-08	1	340.125
08-23	5-12-08	1	405.230
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08-24	6-26-08	1—6	135.080
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08-38	9-25-08	1	115.030(2)
08-39	9-25-08	1	235.030
08-40	9-25-08	1	235.060(D)
08-41	9-25-08	1 Rpld	240.060
08-42	9-25-08	1	240.090(A)
08-43	9-25-08	1	500.120
08-44	9-25-08	1	600.120
08-45	9-25-08	1 Added	390.015
08-46	9-25-08	1 Added	340.126
Supp. #2, 7/10			
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08-51	11-20-08	1	245.010
09-03	3-26-09	1—2	120.010
09-10	3-26-09	1	245.010—245.040
09-14	6-25-09	1 Rpld	205.010—205.060
09-20	8-27-09	1 Rpld	215.223
09-22	9-24-09	1	240.130
09-23	11-19-09	1	120.260(C)
10-04	6-24-10	1—4	135.080
10-05	7-22-10	1 Rpld Added	220.030—220.035 220.030—220.080
Supp. #3, 9/11			
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10-10	10-28-10	1—2	500.010—500.015
10-11	10-28-10	1—2	500.152—500.154
10-12	10-28-10	1—2	500.156—500.158
10-13	10-28-10	1—3	500.110—500.120
10-14	10-28-10	1—3	500.050—500.055
10-15	10-28-10	1	500.030, 500.070
10-16	10-28-10	1	530.020(E)
10-17	10-28-10	1	405.1010
10-18	12-23-10	1	215.680—215.690
11-17	7-28-11	1	240.010, 240.200—240.270
11-18	7-28-11	1	405.770
11-21	9-22-11	I	600.135

N.G.A. — Not generally applicable.

Superseded — Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.

Repealed — Specifically repealed by a later ordinance.

na — Not applicable.

STATE LAW REFERENCE TABLE

The following tables are a cross reference listing in numerical order of the Sections of the Code and the State Statutes that correspond to that Section or are referenced in that Section. In order to facilitate the use of this cross reference the order is reversed in the second table with the State Statute Section numbers placed in numerical order and the corresponding Code Sections listed opposite them.

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140.050	610.022.3, 610.022.1
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